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ABSTRACT

Information on eleven conferences focusing on post-Bakke policy and sponsored by the American Council on Education for administrators of high-demand programs is presented. An introductory report by Todd Furniss ("Professional Education After Bakke") discusses the rationale for the conferences and examines some of the implications for post-Bakke policy. Conference schedules, participants, materials, and summary reports are included for conferences held at Harvard University, University of Michigan, California Institute of Technology, University of North Carolina, Wellesley College, and Northwestern University. The conferences were held between September 1978 and February 1979 throughout the country and emphasized affirmative action in graduate programs in law, education, business, veterinary medicine, dentistry, and medicine. One conference was held on undergraduate programs. Five papers that were specially prepared for the conference are included. These are: "Bakke and Graduate Schools of Business" (Robert M. O'Neil); "Bakke: The Impact on Fellowships" (Robert M. O'Neil); "What Can and Is to Be Done: After Bakke" (Lubosh G. Hale); "The Bakke Decision: The Legal Ramifications" (S. B. Burbank); and "The Black Exclusion of Veterinary Medicine" (G. Gurney). (BH)

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Post-Bakke Policy Conferences of Administrators of High-Demand Academic Programs

REPORTS OF ELEVEN CONFERENCES HELD
SEPTEMBER 1978 -- FEBRUARY 1979

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HE 011 119

AMERICAN COUNCIL ON EDUCATION
MAY 1979

POST-BAKKE POLICY CONFERENCES OF
ADMINISTRATORS OF HIGH-DEMAND ACADEMIC PROGRAMS

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Reports of Eleven Conferences September 1978-February 1979

Sponsored by the

American Council on Education

with

American Assembly of Collegiate Schools of Business

American Association of Colleges for Teacher Education

American Association of Dental Schools

Association of American Law Schools

Association of American Medical Colleges

Association of American Veterinary Medical Colleges

Association of American Universities

Association of Graduate Schools

Consortium on Financing Higher Education

Law School Admission Council

And Funds from the Ford Foundation

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AMERICAN COUNCIL ON EDUCATION

May 1979

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PREFACE

In the fall and winter of 1978-1979, eleven small conferences of administrators of "high demand academic programs" were held to consider the consequences of the U.S. Supreme Court's decisions in the Bakke case on selective programs and selective institutions. A brief report focused chiefly on the conclusions of the summary conference was published in the Educational Record and is included here. The purpose of this volume is to bring together materials prepared for the several conferences and the reports growing out of them, and to provide a record of the persons participating and the institutions and organizations they represented.

With funds provided by the Ford Foundation, the American Council on Education was the common sponsor of all the conferences. I wish to thank the Foundation, the cosponsors listed on the title page, the chairmen, the several campus hosts, and the contributing consultants for their help in making the individual conferences stimulating and the conferences collectively a challenging start on a new national approach to professional education for minorities.

W. Todd Furniss
Conference Coordinator

SUMMARY REPORT

PROFESSIONAL EDUCATION AFTER BAKKE

BY

W. TODD FURNISS

"The toughest question is, What can be done to improve the high school graduate pool, and by whom?"

Professional Education after *Bakke*

W. TODD FURNISS

THE SUPREME COURT'S DECISION IN THE *Bakke* CASE SUPPORTS AND encourages the efforts of the most selective colleges and universities to increase the number of minority professionals in American society. The Court was careful to erect no new legal barriers to the institutions' capacity to provide the educational base for professional success. It could not, however, sweep away economic and educational barriers that continue to block racial balance in many professional fields. To ameliorate the effects of these barriers, administrators of selective educational programs agree that cooperative efforts to enlarge the pools of qualified minority candidates must supplement, and eventually supplant, the increasingly competitive efforts among programs to recruit those already qualified.

This conclusion—along with many subordinate and supporting judgments—grew out of eleven small conferences attended by administrators of high-demand academic programs during the fall and winter of 1978–79. Initiated by the American Council on Education, the conferences were cosponsored by associations related to the fields. Four regional conferences involved graduate deans and admissions officers of member institutions of the Association of American Universities. One conference involved representatives of the Consortium on Financing Higher Education, a group of thirty institutions with highly selective undergraduate programs. Deans and admissions officers from professional schools met in separate conferences for the fields of law, dentistry, veterinary medicine, education, and business. The final conference brought together representatives of the earlier meetings under the sponsorship of the Association of

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Education, One Dupont Circle, Washington, D.C. 20036.

American Medical Colleges. In all, 229 persons representing seventy-nine institutions and twenty-one associations and other organizations took part in the conferences. Principal funding for the series was provided by the Ford Foundation.

The rationale

The *Bakke* decision, handed down in the summer of 1978, followed a dozen years of national efforts to increase the presence of persons of racial minorities in decision-making positions in American society. Although some decision makers come to their positions without formal educational preparation at professional levels, most such positions require a minimum level of specialized education and, often, a license to practice. Furthermore, admission to some professional education programs (e.g., medicine, dentistry, veterinary medicine) is highly restricted because the high cost of facilities and personnel prevents the ready addition of programs to meet the demand of aspirants to the professions. Other professions (e.g., engineering, business, education) offer many preparatory programs and few restrictions on admission. Nevertheless, even in these fields some institutions are in such demand that they must select from among large numbers of applicants. The term "high demand academic programs" used for the conference series was meant to cover both types of professional schooling, as well as the most selective undergraduate colleges. It was anticipated that the *Bakke* decision would have a different effect on these programs from that on the less selective ones which are more common in the United States.

Each conference began with an examination of the Court's decision. The discussions were facilitated by preconference distribution to participants of the report of the ACE-AALS Committee on *Bakke*[1] and by inviting a legal expert to take part in each conference. Because many qualified minority students can accept admission only if it is accompanied by financial aid, the question of the *Bakke* deci-

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[1] Wayne McCormack, ed., *The Bakke Decision: Implications for Higher Education Admissions* (Washington: American Council on Education and Association of American Law Schools, 1978).

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*W. Todd Furniss is director, Office of Academic Affairs, American Council on Education. He acted as coordinator for the post-*Bakke *conferences, initiated by the Council, the results of which are summarized in this article.*

sion's influence on financial aid programs restricted to minorities was also discussed in detail. This discussion led directly into the topic of greatest interest and challenge in the series: how to increase the pool of qualified candidates. The link between financial aid and pools is illustrated by the institution that, in order to enroll a minority student from a limited pool of the qualified, must provide greater financial aid than it would offer to a nonminority student and more than the minority student needs to get through the program; in other words, institutions are competing with each other for the same students, at increasingly higher prices.

Pools of qualified students

A half-dozen years ago it was nearly impossible to speak of "pools" without raising a storm of rhetorical protest: "Qualified students are there if you would only look with unbiased eyes." "Your so-called standards are really racist devices to limit the professional fields to whites." "If different standards are used, we cannot guarantee the competence of our graduates." "There has to be some concession in order to make up for centuries of discrimination." Today, sufficient study and thought have been given the matter that good evidence can be cited in partial support of nearly all these points: Active recruiting does locate qualified candidates otherwise overlooked. Some forms of testing for admissions are likely to be inadvertently biased (required interviews, for example, when the interviewer is untrained). Noncognitive factors, such as motivation, may assure success in a program despite weakness on cognitive tests. Differing standards may be good whereas lower standards may in the end make the student's efforts worthless. But the intervening years of experience combined with some (though not yet adequate) data now make it clear beyond reasonable doubt that achieving the nation's goals of participation for minorities in the full range of professional positions in society requires that the matter of enlarging the pools be given direct and unabashed attention.

Participants in the final conference constructed a tentative matrix to indicate that there are at least three pools and, for each, there are short-range and long-range considerations. The first in federal interest has been the pool of graduates ready to move on to the leading management and professional ladders. The second is the pool of college graduates ready to enter the postgraduate and professional schools. The third is the pool of high school graduates ready to enter the colleges. The size of the pool of persons qualified for each successive level decreases for all persons, whatever their ethnicity, and for a variety of reasons. But accumulating evidence shows that the contraction in pool size has been far greater for minorities than for nonminorities.

In the national approach to correcting racial imbalances in society, short-range pressures have been dominant: pressures to do something for those who are now experiencing difficulty in reaching goals to which they aspire. But the long-range issues, which have been neglected, need to be given urgent attention lest continued neglect simply perpetuate, decade after decade, what we now see as short-range problems. Such a long-range issue is the matter of making permanent improvements in the K--12 experiences of the offspring of those we now must label "educationally disadvantaged."

Short-range goals

Most of the effort expended so far by the professional groups represented in the conferences has emphasized short-range goals, particularly the one of producing minority graduates prepared to enter professional employment on the same basis as nonminorities. Because of the nature of the conferences—their initial focus on the *Bakke* opinions, their restriction to a profession or other limited segment of higher education, their frankly exploratory nature, and their brevity—there was no adequate opportunity to generalize more than the legal considerations laid out in the ACE-AALS report sent in advance to all participants. Financial aid, recruiting, and the various pool questions were treated with quite different emphases in each conference, sometimes as a matter that has received considerable attention in the participants' field and is supported with extensive documentation. Recruiting, financial aid, and pool enlargement programs are elaborate and well supported in engineering, different and changing in law, different still in medicine, and nearly absent in some fields of graduate study.[2]

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[2] Reports of the conferences, documents prepared for them, and bibliographies have been assembled and deposited in the Educational Resources Information Center Clearinghouse on Higher Education (ERIC/HE 011 119; available from ERIC Document Reproduction Services, P.O. Box 190, Arlington, Va. 22210).

For law, medicine, dentistry, and the graduate fields in arts and sciences, preparing professionals has initially meant locating college graduates with appropriate academic and other qualifications, setting up admissions programs that do not inadvertently screen out potentially successful minority applicants, backing up admission with adequate financial aid, and providing postadmission academic and personal support. To these basic programs, some have added preadmission summer activities, recruitment by alumni and enrolled minority students, summer job programs, and special job placement for graduates.

In fields where the initial professional preparation is undergraduate, as it commonly is in engineering, education, and business, the same kinds of recruiting and financial aid programs are required. Although selectivity for undergraduate admission is ordinarily not as stringent as for graduate, nevertheless the institutions represented in the conferences have among their applicants candidates unlikely to be able to graduate, even with programs of special academic assistance. In addition, the minority bachelor's graduates of these well-regarded undergraduate programs are in such demand that they are likely to be employed immediately and thus removed from the pool of candidates for advanced degree programs.

Deterrents to short-range goals

Though their programs have much in common, the graduate and professional deans noted factors that differentiate their experiences. For example, the "images" of the several professions among minority secondary school students appear to differ enough to affect the pools: law, medicine, and teaching are desirable; business and dentistry are suspect; engineering is too hard; veterinary medicine and geology are unknown. How, when, and by whom can accurate information be brought to potential students? "Role models" figured often in the conferences. In dentistry, the failure of the schools to urge minority students to achieve specialties was cited as barring them from access to dental faculties where they might serve as models for coming student generations. But for the student, even the prospects of a higher income as a specialist do not offset the need to start practicing early to pay off debts incurred in the initial training. It was also noted that in many professional programs, admission and financial aid are tied to an expectation, if not a requirement, that the graduate will go into general practice in the minority community—an expectation that needs to be questioned.

A special problem in education and the humanities today is the poor market for professional graduates. Even though employer affirmative action programs assure that minority graduates will be considered for appointment to the available jobs, they cannot assure that jobs will be available. The consequence is that at a time when minorities are underrepresented in many fields, the fields themselves are failing to attract enough qualified minority applicants for admission to correct future underrepresentation.

Among the professional programs participating in the conferences, only engineering has undergraduate admissions requirements (in mathematics) beyond what might be expected from the ordinary high school program. However, the other graduate and professional fields and the selective undergraduate colleges are united in their observation that too few high school graduates, minority and nonminority, have achieved even "what might be expected from the ordinary high school program"—the academic accomplishment that presupposes success in college. One common short-term response to this situation has been open admissions with postadmission attempts to repair deficiencies. Another response has been the reduction of academic requirements to assure graduation. The flabbier of these programs are now being vigorously attacked by increasing numbers of black leaders as dishonest and ultimately damaging to the students who are meant to benefit from them.

Unexplored resources?

Determining which programmatic adjustments to traditional programs are beneficial and which are not has been the subject of heated controversy in the past decade, a time when adherence to past standards and traditional testing programs has been labeled as racist. Although all the questions are not yet resolved, there appears to be a growing area of agreement that will benefit students, institutions, employers, and society.

When the pool of qualified high school graduates is insufficient to meet the goals of college recruiters and the recruiters thus find themselves bidding against each other for students, the less affluent colleges and universities are forced from the market. About this situation, conference participants observed that, despite recruiting efforts and good financial packages, there were still some qualified students for professional education if only they could be found and persuaded to apply. Who could locate and enroll them? One answer given was that the minority community itself act as locator, recruiter, and provider of financial aid and moral support. It was noted that Americans of Asian origin have supported the college education of several generations by using traditional family and clan patterns, and that black communities have supported community churches and church-related colleges rather than individual students. Might these patterns of support be expanded or altered? Are there patterns among other minority groups that might be tapped or modified?

But there was also a note of discouragement in the conferences: "All the effort we have put into increasing the numbers of minority professionals in American society finally ends in our competing with each other for the same students. But the source of them all, graduate and undergraduate, is the high school—and the high schools seem to be preparing no greater numbers of qualified graduates, and probably fewer, than when we began."

Long-range goals

Perhaps ten years of sharpening the short-term tools—and going through the *DeFunis* and *Bakke* cases—were necessary to reach the point at which there could be agreement based on data, not rhetoric, that the chief barrier to the enlargement of the minority professional cadre is the scarcity of minorities in the three pools and that raising the level of minority participation requires attention to all of them.

What should be done long range in undergraduate and graduate admissions, special support programs, financial aid, provision of role models, and the like, is little different from the better efforts in the short-range programs. The toughest question is, What can be done to improve the high school graduate pool, and by whom? At the conclusion of the final conference, it was agreed that even tentative answers would require far more time than had been available, more information, and especially a broader representation from education, government, and society generally. The participants offered a number of observations for use in subsequent discussions.

For example, employers and clients of professionals, like the graduate and professional schools, look for attributes in addition to academic qualifications: motivation, integrity, perserverance, congeniality. The need for these is being asserted forcefully today in minority communities by the Reverend Jesse L. Jackson in connection with his Push-for-Excellence program. The approach of the program emphasizes both individual responsibility and community and family support without which the efforts of schools and colleges will surely fail. But Push-Excel cannot do it all. How can other programs with similar aims but different means be devised and put into action? Could apprenticeships and protégé systems that once operated in law and other professions be modified for use today?

But what activities of the agencies already involved in professional preparation and employment can be specially devoted to the future enlargement of the pools? What are the possibilities among social and governmental agencies; the professional schools and the professions they serve; employers of the graduates; the elementary and secondary schools, and the colleges that prepare their teachers; the teachers unions, parent-teacher groups—and individual parents?

This obviously incomplete list reflects the awareness of the conference participants that improvement of the pool of high school graduates will require far more than simply a few changes in high schools, and that the schools cannot do their part of the job without thoughtful support from many sources. It also suggests that no other agency can bring about much change alone, not the federal government with tax dollars, nor employers with fellowships and jobs, nor the graduate and professional schools, no matter how great the social pressure on them to turn out more minority professionals.

But the conference participants saw also that their very inability to have much direct effect on the desired outcome is likely to discourage the legitimately concerned groups—including the graduate and professional schools—from taking any steps whatever. And inaction could quite possibly open the way for entrepreneurs, claiming to have a sure solution, to siphon off effort and supporting funds.

The inevitable conclusion to be drawn from these considerations is that the next steps must be cooperative. The initial steps—the eleven conferences—were national in their focus and sponsorship, and the participants recommended that the American Council on Education move to enlarge the discussion on a national basis. They also recognized, however, that what happens in most high schools to particular students is only partly the consequence of what is happening nationally, or even in a region or state. Rather, it is far more the consequence of what is happening locally in the schools, the homes, the work places, and the surrounding community. For this reason, discussion cannot be only, or even principally, in national forums.

Next steps

From September 1978 to February 1979, what began as technical discussions of the consequences of a single Supreme Court decision with limited effects on the admissions practices of a relative handful of academic programs has come to some unexpected but inescapable conclusions. First, the Court left the way open for these programs to increase—not curtail—their efforts to prepare members of racial minorities for the top professional roles in American society. Second, just as institutions in single fields had discovered they were competing for a limited number of qualified minority students, it became clear in the course of the conferences that the fields, too, were in competition for the same students. The competition is repeated after graduation among employers unable to meet their goals of ethnic representation. And third, although the minority employment problem in the professions has been alleviated temporarily by improvements in recruiting, admissions, and other campus practices, a long-range solution requires changes on a far wider front. The high school graduation of many more students who are qualified academically and have the motivation and personal qualities to move into professional preparation and then into leadership in the professions—a greater number of these high school graduates is not only a practical goal of the effort, but a symbolic one as well.

On the recommendation of participants in the final conference, the American Council on Education will take steps to move the national debate of these issues forward. By the distribution of this report to its members and others concerned with the questions, and by making the papers and reports of the conferences available through ERIC/HE, the Council hopes to stimulate others to begin seriously debating the analysis presented here and what they can contribute to the advancement of minorities in the professions in American society.

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GRADUATE PROGRAMS I
HARVARD UNIVERSITY
SEPTEMBER 18-19, 1978

List of Participants

Memorandum to Participants, October 26, 1978

Report Prepared for Summary Conference

A.C.E.-A.G.S. Conference on Minority Participation in Graduate Education

Harvard University - Graduate School of Arts and Sciences

September 18-19, 1978

List of Participants

Harry Allen	Clark
Ray Anderson	Columbia
Benjamin Bowser	Cornell
Bernie Bruce	Brown
Robert E. Bunselmeyer	Yale
Rita Coleman	Harvard
Eleanor Cox	Univ. Pennsylvania
Richard Fallis	Syracuse
Michael Forte	Harvard
Ernest Frerichs	Brown
Fred Jewett	Harvard
James Jordan	American Council on Education
Eve Katz	Association of American Universities
Edward L. Keenan	Harvard
William Lambert	Cornell
Donald N. Langenberg	Univ. Pennsylvania
Suzanne Lipsky	Harvard
Peter S. McKinney	Harvard
McKinley Nash	AGS Minority Committee
Cheryl Pejean	M.I.T.
Nancy Randolph	Harvard
Ann Starr	Princeton
Daniel Steiner	Harvard
John Turner	M.I.T.
Kenneth Wadleigh	M.I.T.
Jeanne Westheimer	Harvard
Geri Popko	Harvard

HARVARD UNIVERSITY
THE GRADUATE SCHOOL OF ARTS AND SCIENCES

OFFICE OF THE DEAN

BYERLY HALL
8 GARDEN STREET
CAMBRIDGE, MASS. 02138

October 26, 1978

Memorandum to: Participants in Post-Bakke Conference held at Harvard University on September 18-19, 1978

From: Peter S. McKinney

I am enclosing, for your information, a copy of the AGS Resolution and a statement prepared by me and Suzanne Lipsky. We would very much like to receive comments on our statement.

Many thanks.

Enclosure

RESOLUTION

ASSOCIATION OF GRADUATE SCHOOLS

OCTOBER 1, 1978

The AGS has long supported the need for an increased minority presence in graduate education. The Bakke decision has made it clear that affirmative action can be pursued within the law and under the Constitution. Recognizing the crucial responsibilities of the AGS institutions in training the faculties of the nation's educational institutions and professionals in many fields; and in order to insure that the progress of recent years not be eroded, BE IT RESOLVED:

that the AGS reaffirms its dedication to the goal of increased minority participation in our graduate schools and pledges to work actively toward this end;

that the AGS invite the AAU to join with it in issuing statements that will serve to assure students, faculties and administrators of the member institutions; leaders and members of minority groups and the public of continuing active support of voluntary affirmative action efforts;

that the AGS Deans support financial aid policies at their institutions that are consonant with the goal of increased minority participation in graduate programs;

that the AGS Deans undertake a general reexamination of admissions criteria for all students with particular concern that there be an assessment not only of demonstrated achievement but also of other indicators of scholarly promise.

STATEMENT ON MINORITY ADMISSIONS

OCTOBER 1, 1978

It is a national purpose of high priority to promote equality of opportunity for all individuals and to remove barriers to access and opportunity that have existed, and continue to exist, for members of minority groups that have suffered past racial discrimination. Graduate education is a highly prized national resource since it offers access to positions of high status, high prestige, high income, leadership and influence. In fact, because of its unique role in the training of educational and professional leaders, it is key to providing role models who can by example offer encouragement to young people.

For these reasons, graduate schools have found it appropriate to concern themselves with assuring that the rate of participation of minority students increases until it approaches parity with that of the majority population.

The Association of Graduate Schools has taken a strong position in favor of increased minority participation in graduate education. The member institutions of the AGS have initiated a variety of programs and activities aimed at promoting access and equal educational opportunity at the graduate level. While it is evident that these goals have by no means been achieved, many of these efforts have enjoyed considerable success and each institution is able to point to some area of improvement within its own graduate program.

It is clear that in order to insure continued progress, current efforts need to be continued and new initiatives undertaken, but the recent decision of the U.S. Supreme Court in the case of the Regents of the University of California v Bakke has raised questions about the legal conditions under which goals of equal educational opportunity may be pursued and this has influenced the atmosphere in which graduate schools attempt to implement their policies of voluntary affirmative action.

The academic community awaited the Bakke decision with concern and anxiety. It was hoped, unrealistically perhaps, that the case would provide guidance and support for a process of affirmative action in graduate admissions. Instead, the decision has provided ambiguity and uncertainty. It was, in fact, a split decision.

To some, this has signaled caution and retrenchment in minority admissions since the court did not clearly mandate affirmative action. It is not necessary that this be the case. Given the complexity of the issue, the decision was, in many respects, profound. It said that admissions decisions must be based on individual assessment, but it left to the University the task of justifying on educational and professional grounds, the validity of racial diversity in graduate admissions. Our task is to make that case and to develop fair and workable programs that will encourage talented people to pursue graduate education. What then, is the case?

The argument has long been made at the undergraduate level that, "diversity adds an essential ingredient to the educational process". If scholarly excellence were the sole criterion for admission, the quality of the educational experience of the students would suffer. Diversity in the undergraduate sense means many things including scholarly excellence, non-academic talent, geographical representation, economic circumstance and racial and ethnic background. It is part of the thesis that a student's education is in no small way influenced by the peer group and hence is made richer by this diversity.

Is the concept of diversity transferable to graduate education, and thus to graduate admissions in the Arts and Sciences? The answer is "yes", but the justification must be different because the educational process is no longer so influenced by the peer group. Instead one must examine the goals and the responsibilities of graduate education. What are they?

1. to train and to encourage those who in the future will continue the advancement of knowledge in all fields;
2. to prepare and provide the faculty who will staff the nation's institutions of higher education;
3. to prepare individuals for the professions outside the academy which require deep and rigorous training in one of the arts and sciences disciplines.

Affirmative action is mandated for virtually all employers and thus for institutions of higher education as they seek their faculties and for the professions as they employ new members. Since we--the graduate schools--train those who make up the relevant labor pool, we share a responsibility to train a racially diverse student population. Additionally, since the graduate schools, and their faculties, have a responsibility for promoting research and scholarship and for preserving free inquiry, we must insure the broadest possible participation of individuals from all races for, without a doubt, the direction of scholarly research--indeed the definition of many of the disciplines themselves--is influenced by the racial and ethnic background of the scholars. Does this mean then, that scholarly excellence should not be the prime criterion for admission to graduate school? To the extent that it can be measured by the data that a graduate applicant can present, the answer is that this should be a prime factor. But, within certain bounds of apparent scholarly potential, racial diversity is a criterion that is appropriate to the admissions decision and is, in fact, essential to attaining the goals of graduate education.

For those of us who have the responsibility for graduate admissions, the task is not an easy one. Graduate admission is not a centralized process as it is in undergraduate and professional schools. Thus, it is more difficult effectively to introduce non-traditional admissions criteria even when there is general agreement as to their importance and the inadequacy of traditional measures. We must assert with conviction and clarity our commitment to the admission of underrepresented minorities to graduate education not only because it is morally right but because we cannot truly meet our full responsibilities as educational institutions unless we do so.

A.C.E. - A.G.S. Conference on Minority Participation in Graduate Education

Graduate School of Arts & Sciences - Harvard University

The Conference was held on September 18-19, 1978. Representatives from the following universities attended:

Brown
Clark
Cornell
Harvard
M.I.T.
Pennsylvania
Princeton
Syracuse
Yale

While the discussion ranged over many issues - most of which were almost certainly common to all of the regional conferences - the issue that received the most attention at the Harvard Conference was, diversity, a principle found acceptable by the Court in justifying affirmative action in admissions.

The argument has long been made at the undergraduate level that, "diversity adds an essential ingredient to the educational process" If scholarly excellence were the sole criterion for admission, the quality of the educational experience of the students would suffer. Diversity in the undergraduate sense means many things including scholarly excellence, non-academic talent, geographical representation, economic circumstance and racial and ethnic background. It is an important part of this thesis that a student's education is in no small way influenced by the peer group and hence is made richer by this diversity.

But, is the concept of diversity transferable to graduate education, particularly to graduate admissions for the Ph.D. in the Arts and Sciences? The justification must be different because the educational process is no longer so influenced by the peer group. Instead one must examine the goals and the responsibilities of graduate education. What are they?

1. to train and to encourage those who in the future will continue the advancement of knowledge in all fields;

2. to prepare and provide the faculty who will staff the nation's institutions of higher education;

3. to prepare individuals for the professions outside the academy which require deep and rigorous training in one of the arts and sciences disciplines.

Affirmative action is mandated for virtually all employers and thus for institutions of higher education as they seek their faculties and for the professions as they employ new members. Since the graduate schools train those who make up the relevant labor pool, they share a responsibility to train a racially diverse student population. Additionally, since the graduate schools, and their faculties, have a responsibility for promoting research and scholarship and for preserving free inquiry, they must insure the broadest possible participation of individuals from all races for, without a doubt, the direction of scholarly research--indeed the definition of many of the disciplines themselves--is influenced by the racial and ethnic background of the scholars. Does this mean then, that scholarly excellence should not be the prime criterion for admission to graduate school? To the extent that it can be measured by the data that a graduate applicant can present, the answer is that this should be a prime factor. But, within certain bounds of apparent scholarly potential, racial diversity is a criterion that is appropriate to the admissions decision and is, in fact, essential to attaining the goals of graduate education.

GRADUATE PROGRAMS II
UNIVERSITY OF MICHIGAN
SEPTEMBER 18-19, 1978

Agenda

List of Participants

Report of the Conference

Report Prepared for Summary Conference

A REGIONAL POST-BAKKE CONFERENCE

Co-sponsored by:

The Ford Foundation
American Council on Education
Association of Graduate Schools
American Association of Universities

at

The University of Michigan
East Conference Room, Rackham Building

September 18 and 19, 1978

AGENDA

Monday, September 18

10:00 a.m. Introduction to Conference

R. W. Fleming, President
The University of Michigan

10:30 a.m. "Legal Interpretation of the Bakke Decision"

Terrance Sandalow, Dean of the Law School
The University of Michigan

11:15 a.m. Discussion

Chair: Casey Mahon
Office of the President
University of Iowa

12:00 p.m. Luncheon - Michigan League (Kalamazoo Room)

1:00 p.m. "An Alternative Perspective"

Carl Cohen, Professor of Philosophy
The University of Michigan

1:50 p.m. Discussion

Chair: Herbert Oyer, Dean
Michigan State University

2:30 p.m. Coffee Break

3:00 p.m. Present Status of Graduate School Admissions Requirements: Round-Table Discussion

Chair: Frank Hale, Associate Dean
Ohio State University

Monday, September 18

6:30 p.m. Cocktails - Campus Inn (Room Huron-4)

7:00 p.m. Dinner - Campus (Room Huron-4)

8:00 p.m. "Present Legislative and Legal Initiatives Bearing on Minority Graduate Admissions"

Susan Fratkin
National Association of State Universities
and Land-Grant Colleges

Tuesday, September 19

9:00 a.m. "Potential Legal Issues in Fellowships and Other Aspects of Minority Graduate School Matters"

Robert M. O'Neil , Vice President
for Academic Affairs
Indiana University

9:50 a.m. Discussion

Chair: Nellie M. Varner, Associate Dean
The University of Michigan

10:20 a.m. Coffee Break

10:30 a.m. "The Need for, and Possibility of, Diverse Measures of Talent and Promise"

Warren Willingham, Executive Director
for Program Research
Educational Testing Service

11:20 a.m. Discussion

Chair: Alfred S. Sussman, Dean
The University of Michigan

12:00 p.m. Adjournment and Luncheon - Michigan League
(Kalamazoo Room)

POST-BAKKE CONFERENCE

September 18-19, 1978

PARTICIPANT	
Richard Barksdale, Graduate Dean's Office	University of Illinois-Urbana
Marjorie Brazer, Research Associate	University of Michigan
Donald R. Brown, Associate Provost	Purdue University
Carl Cohen, Professor of Philosophy	University of Michigan
Elaine Copeland, Graduate Dean's Office	University of Illinois-Urbana
Richard A. English, Associate Vice-President for Academic Affairs	University of Michigan
Eugene N. Feingold, Associate Dean	University of Michigan
Robben W. Fleming, President	University of Michigan
Susan Fratkin	National Association of State Universities and Land Grant Colleges
Byron L. Groesbeck, Associate Dean	University of Michigan
Frank Hale, Associate Dean	Ohio State University
Rose Hooper, Director of Research	University of Michigan
Casey Mahon, Office of the President	University of Iowa
Robert M. O'Neil Vice-President for Academic Affairs	Indiana University
Herbert J. Oyer, Dean	Michigan State University
Victor Paananen, Graduate Dean's Office	Michigan State University
Jacqueline Reed, Program Coordinator	University of Wisconsin
Ms. M. Roberts, Graduate Student	Purdue University
Terrance Sandalow, Dean	University of Michigan
Rudolph W. Schulz	University of Iowa
Harold Shapiro, Vice-President for Academic Affairs	University of Michigan
Leo F. Solt, Dean	Indiana University
Thomas Stauffer, Dir. of External Relations	American Council on Education
Nancy Steitz, Personnel Officer	University of Michigan
Alfred S. Sussman, Dean	University of Michigan
Nellie Varner, Associate Dean	University of Michigan
Irving B. Weiner, Dean	Case Western University
Warren Willingham, Dir. of Program Research	Educational Testing Service
Daniel J. Zaffarano, Vice-President for Research	Iowa State University

REPORT ON THE POST-BAKKE CONFERENCE
AT THE UNIVERSITY OF MICHIGAN

September 18-19, 1978

Convened on the premise that the Supreme Court decision in Regents of the University of California vs. Bakke yielded no definitive answers to the dilemma of serving justice and affirmative action simultaneously, the post-Bakke conference hosted by the Graduate School of The University of Michigan moved in programmed sequence from general issues to particular problems.

At the outset Professor Terrance Sandalow's analysis ascribed much of the uncertainty generated by the opinions to the poor quality of their construction and reasoning. For example, the Stevens group, which considered only Title VI and left aside the Fourteenth Amendment, is ambiguous as to whether Title VI itself prohibits any consideration of race in admissions decisions or whether the Davis Medical School was in violation of the title because of the particular way it took race into account. The Brennan group, on the other hand, would find racial preference permissible if designed to compensate a group historically victimized by discrimination, provided none of its members is stigmatized thereby. But they failed to explain what they meant by "not stigmatized". Justice Powell, the importance of whose opinion Professor Sandalow thinks is overrated in the press because it remains only one opinion of nine, attempted to split the difference in a middle-ground, statesmanlike position.

Thus the one thing, and perhaps the only thing, we can safely say, Professor Sandalow concludes, is that a program is valid which considers race in its admissions as one criterion for the achievement of diversity in a student body. One cannot even safely say that the Davis admissions system would be invalid, because no majority stated that opinion. In short, a case can be made for the conclusion that the Bakke decision doesn't really prohibit us from any particular method of admissions, although a rigid quota, such as Davis set in its 16 minority places, appears to be objectionable. Furthermore, such restrictions as the Bakke decision might be construed to impose fall on mass undergraduate and professional programs. Graduate admissions are so small, and already so individualized, that they should satisfy all members of the Court.

Professor Carl Cohen in his remarks focused on the moral issues of the Bakke case and, in so doing, found the opinions, particularly that of Justice Powell, to be salient and unequivocal: discrimination on the basis of race is legally, ethically and constitutionally impermissible. That is not to say, Professor Cohen goes on, that affirmative action per se is racially discriminatory. It is unfortunate that the two have come to be identified. It is not the question of compensatory programs or redress of past injury that is before us, but whether in pursuing those objectives we exercise racial discrimination. The rule, as laid down by Powell with respect to university admissions, is perfectly clear, however. Race may be taken into account only for the purpose of achieving intellectual enrichment through diversity in the student body. It is not the university's business to compensate individuals for the injury of discrimination. That function belongs to a legislative or an adjudicatory body. Rather, the university must seek affirmative actions which serve an educational purpose and do not depend upon racial preference for their efficacy. Individualizing the admissions process can satisfy both the Fourteenth Amendment, which confers personal rights and therefore requires that individuals get the same protection or they are not getting equal treatment, and the pivotal

Powell ruling that ethnic diversity for educational enrichment is one of many permissable and desirable admissions criteria.

Thus Sandalow and Cohen, in disagreement about the constitutionality of certain kinds of race preferentiality and about the quality and significance of the Bakke opinions, nevertheless arrive at the same place with respect to graduate admissions -- the individualization, which is common practice among graduate schools, is acceptable and appropriate. Furthermore, they agree that quotas, rigid formulas, or double standards are impermissible. On that note of consensus the conference moved on to consider operational implications of the decision. Here they moved closer to an area which President Robben Fleming emphasized in his opening remarks to the conference. Some of the most critical questions, in fact, lie outside the case: how can we get better prepared minority students out of the high schools? How can we persuade the ablest minority college graduates to go on to graduate school, when the economic incentives of the affirmative action market operate in the opposite direction? How can we get minority professional graduates to go into deprived communities to practice, when social and economic incentives operate in the opposite direction?

While the conference didn't address these issues directly, they lay behind Warren Willingham's discussion of diverse measures of talent and promise. He welcomed the decision insofar as it gets the universities "out of the closet" with respect to non-quantitative measures of applicants' qualification. He disagreed with the view that new measures are needed because the present ones most widely used are invalid or unfair. Research has found that grades and standardized tests do predict traditional academic performance quite accurately. There are more positive arguments in favor of additional and supplementary admissions criteria: to select students who will do well on diverse academic criteria, such as artistic ability, scientific imagination, ability to write; to select students who will succeed at a career because they are productive, well-organized, versatile, etc.; to encourage originality by giving applicants a chance to show what they can do that may be non-traditional or "off-beat"; to foster better utilization of human resources; to foster diversity in the educational context and thereby encourage cultural pluralism in the society.

To get at these objectives through improved criteria graduate admissions offices should insist on more systematic evaluation of undergraduates through better departmental exams, better description of students' areas and levels of competence, and student ranking. More systematic attention should be paid to the independent accomplishment of prospective graduate students; most undergraduates have had work and cultural experiences which are important in their development and these should be more carefully reckoned. ETS is looking into ways of measuring qualities like scientific creativity and interpersonal competence. If we introduce new measures they should: add to rather than replicate what we already know; be inherently reasonable on their merits; represent what they purport to measure without faking, cheating or coaching; be ethically acceptable; be unbiased; be economically feasible; involve a feasible time period for application; measure a trait which is predictable.

Willingham stressed the importance of explicit identification of admissions criteria and how they are applied. This was a topic that generated some controversy during the round table discussion among participants. One view was expressed that the Bakke opinions imply an advantage to deliberate vagueness with respect to selective admissions criteria, that it is preferable not to identify how race decisions are made because the more we spell out the more vulnerable we may be to litigation. Others, however, argued that departments need guidelines for decision-making precisely because they can be held accountable by the courts, not to speak of the administrative advantages of uniformly understood criteria.

Robert O'Neil 's paper focused on the matter of fellowships, as this is the means whereby minority admissions, on whatever grounds, are made operable. The Bakke opinions did not directly address the matter of fellowships, perhaps because there is an important difference between admissions and financial aid in their impact upon an individual. Whereas lack of financial aid, due to preferential treatment, may impose difficulties on a student who would have to find other financial resources, that circumstance does not preclude his/her participation in the educational process, as does denial of admission because of racial preference.

O'Neil did not discuss teaching and research assistantships, as these raise employment questions which are currently making their way through the courts. He delineated five sets of fellowship sources which would be required to meet the Bakke test. Federal funds, financial aid earmarked by state legislatures, and minority fellowships funded by a state commission would all probably meet the most limiting test imposed by Powell, that legislative and adjudicative agencies have the power to provide for compensatory treatment of minorities. University funding of minority fellowships is a more questionable area; the legal decisions extant indicate that rigid or greatly unbalanced formulas would be disallowed. The most difficult problem occurs with respect to funds that a university accepts from a private source and disburses according to donor formula. If gifts of this kind which discriminate against a group are disallowed (as they are), it appears that those which discriminate beneficially should fall under the same logic. On the other hand, if a university is entitled to earmark its own funds, outside funds so earmarked should also be allowed.

Financial need introduces another dimension into the minority funding question. Judicial guidelines so far seem to indicate the following strategies: need cannot be disregarded even on minority grants; race-based fellowships should be reviewed periodically for performance of the recipient; needy non-minority students should be carefully considered, from another funding source if not the same one; the basis for selection should be clear and candid; where external funds are accepted the source and basis for preferences should be clear to the university and to all applicants, minority and non-minority; all preferential fellowship programs should be regularly reviewed and phased out as and when no longer needed.

In sum, the conference ended on a note of optimism for continuation of minority recruitment and individualized admissions to graduate school along much the same lines as they have been pursued in the past. If universities stick to educational criteria, as such, they will be on safe ground, leaving the declarations and policy determination of societal needs to legislative bodies. The scene with respect to fellowships is a little murkier, but a report by Susan Fratkin pointed out that HEW and OCR have not altered their efforts since Bakke to obtain increased minority fellowship funding. At the graduate school level the problem remains where, except in a few fields, it has always been -- how to recruit and finance enough minority students to fill the vacancies available to them.

REPORT

POST-BAKKE CONFERENCE
at The University of Michigan
September 18-19, 1978

After reviewing the Court's decision, it was suggested by Dean Terrance Sandalow that the one thing we can safely say at this time is that a program is valid if it considers race in its admissions as one criterion for the achievement of diversity in a student body. It cannot even be stated accurately that the Davis admissions system is invalid because no majority stated that opinion. In fact, a case might be made that the Bakke decision doesn't really prohibit any particular method of admissions, although a rigid quota, such as the 16 minority places reserved at Davis, appears to be objectionable. Furthermore, such restrictions as the Bakke decision might be construed to impose fall only on mass undergraduate and professional programs thus far. Most graduate admissions programs are so small and so individualized that they should satisfy all members of the Court. Of course, the very large ones may have to work in the context of the guidelines set down by the Bakke decision.

Vice-President Robert O'Neill delineated five fellowship sources that would be required to meet the Bakke test. Federal funds, financial aid from state legislatures, and minority fellowships funded by a state commission probably would meet the test imposed by Powell, that legislative and adjudicative agencies have the power to provide for compensatory treatment of minorities. Special university funding of minority fellowships is a more questionable case in that rigid or greatly unbalanced formulas probably would be disallowed. The most difficult problem occurs with respect to funds that a university accepts from a private source and disburses according to a donor formula. If gifts of this kind, which discriminate against a group, are disallowed (which they are), those that discriminate beneficially also should be. On the other hand, if a university is entitled to earmark its own funds, outside funds so earmarked should also be acceptable.

Judicial guidelines on financial need suggest the following strategies: Need cannot be disregarded, even for minority grants; race-based fellowships should be reviewed periodically on the basis of the performance of recipients; needy non-minority students should have aid available from another funding source, if not the same one; the basis of selection should be clear and open; where external funds are accepted the source and basis for preferences should be clear to the university and to all applicants, minority and non-minority; all preferential fellowship programs should be regularly reviewed and phased out when no longer needed.

Although grades and standardized tests do predict traditional academic performance accurately, Dr. Warren Willingham of the Educational Testing Service (ETS) adduced arguments in favor of the development of additional admissions criteria. He suggested that systematic attention should be paid to the independent accomplishment of prospective graduate students in that most undergraduates have had work and other experiences that are important in their development. The ETS is seeking measures of scientific creativity and of personal qualities of other kinds. The importance of the explicit identification of admissions criteria and how they are applied was stressed by Dr. Willingham but was opposed by some who argued that the Bakke opinions give the advantage to vagueness in these respects. The latter argued that the more explicit admissions decisions become, the greater the vulnerability to litigation. On the other hand, it was argued that departments need explicit guidelines for decision-making in admissions precisely because they can be held accountable by the courts, not to mention the increased fairness to students and the administrative advantages of generally understood criteria.

GRADUATE PROGRAMS III
CALIFORNIA INSTITUTE OF TECHNOLOGY
SEPTEMBER 18-19, 1978

List of Participants

Report Prepared for Summary Conference

California Institute of Technology

POST-BAKKE CONFERENCE

September 18 and 19, 1978

PARTICIPANTS AS OF SEPTEMBER 12

Hans Brisch	U. Nebraska
F. S. Buffington	Caltech
W. B. Carnochan	Stanford
S. L. Huntley	Caltech
James F. King	UC Berkeley
Milton E. Lipetz	U. Colorado
Judith Little	Stanford
Hazel Love	UCLA
William May	USC
Rose-Marie Oster	U. Colorado
Charles E. Oxnard	USC
Gerald Patton	Washington U.
C. J. Pings	Caltech
Leo Snowiss	UCLA

SPECIAL GUESTS

Charles Fisher	ACE
D. R. Fowler	Caltech (General Counsel)
James B. Wilson	Office of Attorney General, State of Washington (speaker)

COCKTAILS AND DINNER, SEPTEMBER 18

(Spouses are welcome to attend the cocktail party and dinner)

In addition to conference participants, guests, and their spouses, the following special guests will be present:

Mr. and Mrs. P. C. Jennings	Caltech
Mr. and Mrs. W. Whaling	Caltech

California Institute of Technology
January 8, 1979

A meeting of invited graduate deans from certain AGS member schools was convened on the campus of the California Institute of Technology on September 18 and 19, 1978, to discuss the implications of the recent "Bakke Decision" of the United States Supreme Court as it might relate to graduate admissions in AGS Universities. The meeting was sponsored by the American Council on Education, the Association of American Universities, the Association of Graduate Schools, and the meeting was funded by the Ford Foundation.

Those individuals accepting the invitation to attend the conference were Hans Brisch (Nebraska), F. S. Buffington (Caltech), Bliss Carnochan (Stanford), Stirling L. Huntley (Caltech), James F. King (UC, Berkeley), Milton E. Lipetz (Colorado), Judith Little (Stanford), Hazel Love (UCLA), William May (USC), Rose-Marie Oster (Colorado), Gerald Patton (Washington University), C. J. Pings (Caltech), Leo Snowiss (UCLA). The following special guests also attended: Charles Fisher (ACE), Don R. Fowler (General Council, Caltech), James B. Wilson (Office of the Attorney General, State of Washington, attached to the University of Washington).

There was not unanimity of agreement on every point discussed but there was general agreement on many of the following points:

1. Justice Powell in the Bakke decision had cited the admissions policy of Harvard College as being a model to be followed. This policy states that Harvard is seeking a racially diverse student body along with other elements and that while Harvard does not set quotas, numbers of students being admitted is considered. All Harvard applicants are considered in competition with all others. An applicant may receive "points" for race, rural origin, athletic ability, creativity, etc.
2. Diversity in the student body may not be relevant per se at the graduate level, but we have great need to increase numbers of minorities to build a pool for future employment. This purpose has not been disqualified by the Court.
3. An institution should have some reason that race is taken into consideration. Such a reason should be carefully defined and procedures should be laid out so that it is apparent that the procedures are responsive to the stated goals.

4. It is wise to have the governing body of the university (trustees or regents) state the goals of the institution in relation to minority admission.
5. In admissions it is important that we not have a two-track system which sets aside a certain number of places for minority students.
6. It might be worthwhile to have a joint position among the major institutions regarding building an overall applicant and employment pool.
7. Beware of indirect justification, i.e., "disadvantaged", as a means of getting better minority representation.
8. Courts will probably leave universities alone in the setting of educational goals, but may well take jurisdiction when we set what is seen as social goals.
9. The graduate dean should accept leadership in encouraging departments to establish innovative programs directed to increasing enrollments of currently under-represented minority students in graduate programs.
10. AGS should recognize that efforts to increase the number of minorities in faculty positions are severely hindered by the very limited pool of minorities receiving Ph.D. degrees. It is in the long-range interest of the higher education community to foster increased participation in minorities in the Ph.D. programs in our universities.

GRADUATE PROGRAMS IV
UNIVERSITY OF NORTH CAROLINA
SEPTEMBER 21-22, 1978

Agenda

List of Participants

Report of the Conference

Report Prepared for Summary Conference

ACE-AGS Post-Bakke Conference on Graduate Education
Chapel Hill, N.C., September 21-22, 1978

Thursday, September 21

12:30 p.m.	Lunch (Club Room, Carolina Inn)
2:00 p.m.	Preliminary general discussion (Conference Room D, Morehead Building)
3:15 p.m.	Coffee break
3:30 p.m.	General session: legal interpretation and implications (Conference Room D, Morehead Building) Professor Charles Daye, UNC-CH Law School Professor William Van Alstyne, Duke Law School
6:30 p.m.	Cocktails and Dinner (Chez Condoret Restaurant, University Square)

Friday, September 22

8:00 a.m.	Breakfast (South Ballroom, Carolina Inn)
9:00 a.m.	Workshop sessions (Conference Rooms B, C, D, Morehead Building)
10:30 a.m.	Coffee break
10:45 a.m.	Concluding general session (Conference Room D, Morehead Building)
12:30 p.m.	Lunch (Club Room, Carolina Inn)
1:45 p.m.	Adjournment

Attachment A

PARTICIPANTS IN THE CONFERENCE

DUKE UNIVERSITY

Bonnie S. Wallace
Assistant to the Dean
In Charge of Admissions

UNIVERSITY OF MARYLAND

Marie F. Davidson
Acting Associate Dean
of Graduate Studies

UNIVERSITY OF MINNESOTA

Andrew Hein, Assistant Dean
of the Graduate School

Patricia Mullen, Special
Assistant to the Dean of the
Graduate School

UNIVERSITY OF MISSOURI

Richard L. Wallace
Interim Dean of the
Graduate School

Andrew C. Minor
Associate Dean of the
Graduate School

UNIVERSITY OF NORTH CAROLINA

Lyle V. Jones
Vice Chancellor & Dean
of the Graduate School

Blyden Jackson, Special
Assistant to the Dean of
Graduate School

PENNSYLVANIA STATE UNIVERSITY

Ernest H. Ludwig
Associate Dean of the
Graduate School

Roosevelt Green, Jr.
Assistant to the Dean of
Graduate School for
Minority Affairs

UNIVERSITY OF PITTSBURGH

Elizabeth Barranger
Dean of Graduate Studies, FAS

Ray L. Steele
Assistant to the Provost

VANDERBILT UNIVERSITY

Ernest Q. Campbell, Dean
of the Graduate School

UNIVERSITY OF VIRGINIA

W. Dexter Whitehead, Dean
of the Graduate School of Arts
Sciences

William A. Elwood, Associate De
of the Graduate School of Arts
Sciences

AMERICAN COUNCIL ON EDUCATION

W. Todd Furniss, Director
Office of Academic Affairs

CONSULTANTS

Charles E. Daye, Professor
School of Law, University of North Carolina

William Van Alstyne, Professor
School of Law, Duke University

GUESTS

Gillian Cell, Associate Dean
Graduate School , University of North Carolina

Renee M. Hoover, Assistant to the Vice Chancellor
and Dean Graduate School, University of North
Carolina.

Susan H. Ehringhaus, Assistant
to the Chancellor, University of
North Carolina

Daniel J. Sheerin, Associate Dean
Graduate School, University of
North Carolina

Notes on ACE-AGS Post-Bakke Conference, University of North Carolina at Chapel Hill, September 21-22, 1978

A list of conference participants is appended as Attachment A.

At lunch on September 21, Todd Furniss described the motivation for and the genesis of ACE sponsorship of the ACE Post-Bakke conferences.

During the afternoon session, Lyle Jones spoke of several issues related to the Bakke decision that warrant discussion: the use of culturally inclusive criteria for admissions, the appropriateness of the GRE for minority applicants, the use of distal rather than proximal criteria of success, the form of screening procedures that might be used for minority applicants, and the issue of attrition/ retention of minority graduate students. His remarks were derived from a paper he had delivered at the annual meeting of the American Psychological Association on August 29, 1978, "Criteria for Graduate Admissions of Minority Students and their Implications for Affirmative Action."

Andrew Hein, a member of the ACE-AALS Committee on Bakke, described the process by which that committee had produced its report, The Bakke Decision: Implications for Higher Education Admissions. Copies of that report, of Lyle Jones' paper, and of the ACE summary, "Post-Bakke Developments," were distributed to the participants.

Professor Charles Daye of the UNC-CH Law School, currently President of the North Carolina Association of Black Lawyers, presented an analysis of the Supreme Court decision in Bakke. Professor Daye expressed his belief that, were it not for a) a history of racism and b) an insufficiency of resources to provide higher education for all who wish it at a given institution, there would be no cause for litigation such as that of Bakke. He noted several features of the UC-Davis Medical School admission procedures that, in his view, have become impermissible as a consequence of Bakke: the fixing of an exact number of minority places, a "two-track" system of review with different criteria for the two tracks, and the use of the classification "disadvantaged" as a pretext for "minority."

Professor Daye believes that the Supreme Court has left to the university wide latitude in judging the qualifications of applicants. He urged that institutions focus upon a criterion of a diverse student body (for institutions other than those for which findings have been made by a competent administrative, legislative, or judicial body of specific instances of past discrimination, in which case special admissions programs for the discriminated groups may be permissible).

He suggested that graduate schools adopt "one-track" admission systems using the same process for review of minority and non-minority applicants, weighing *individual* attributes, and *individually* selecting admittees, and that they leave unquantified a number of relevant qualitative characteristics of applicants (motivation and commitment, overcoming handicaps, etc.). All such factors, one of which may be race, should be considered in admission decisions. He proposed that an admissions office should determine a reasonable number of minority admissions required to achieve desired diversity, but should resist specifying exact numbers of minorities to be admitted. Professor Daye offered his opinion that good faith efforts on the part of institutions will have a material effect on lawsuits, and he suggested that admissions officers operate flexibly in their review and selection of applicants.

Professor William Van Alstyne, William R. Perkins Professor at Duke Law School, and immediate Past-President of the national AAUP, addressed the group. "A Preliminary Report on The Bakke Case," prepared by Professor Van Alstyne, had been distributed to participants in advance of the conference.

Professor Van Alstyne argued that a number of educational practices that benefit minority students, if judged by faculties to be educationally sound, probably remain permissible in the wake of *Bakke*, including the allocation of a disproportionate share of resources to minority students, the establishment of pre-admission remedial programs for minorities, and the establishment of special programs during the course of training. He urged educators to think hard about student characteristics that, "in a faculty's experience," are related to the criterion of a desired mix of students, and about the extent to which these characteristics need to be present in the student body to assure the quality of the educational product. For example, in a law school class of 80 students, it may be argued that minority presence is important to enhance the value of Socratic dialogue and to enhance the education of all students in the class. Fewer than 7 or 8 minority students out of 80 may be too few to effect those goals, while more than 20 or so may be unnecessary. Should open competition among applicants yield too few minority students, bonus points might be added to minority applicants to provide a number of minority students within the target range.

Professor Van Alstyne noted a possible difficulty in arguing the importance of diversity of Ph.D. programs, where the dissertation experience is largely a matter of a single student working with one or more faculty. In graduate schools, if we argue for the importance of diversity of all graduate students in the university rather than diversity only within a discipline, it then becomes incumbant upon us to demonstrate significant contacts among students across disciplines. But perhaps it can be argued that a diverse student population contributes significantly to the quality of the faculty, their attitudes and perspectives. The dissertation prepared by the Ph.D. candidate and filed with the institution further contributes to the enrichment of those attitudes and perspectives, both for students and faculty.

Concerning the goal of increasing minority doctoral enrollments for the purpose of enhancing diversity of the pool of prospective faculty members, Professor Van Alstyne offered several cautionary remarks. Often, the desire for a (racially) diverse faculty is defended on the grounds of providing "role models" for minority students. But, (1) we may be guessing rather than arguing from strong evidence that minority students develop greater rapport with minority faculty; (2) if it is accepted that students enjoy greater rapport with faculty of their own race, and since the majority of students are white, this argument might suggest a preference for white faculty members, to serve the greater number of students; (3) with race remaining a suspect class, are we able to stipulate no feasible alternative to the "role model" to achieve the desired end, e.g., financial incentives for minority students?

Professor Van Alstyne posed the thesis that the Powell argument for desirable diversity might be thought to apply not only to race but also to religion, idealogy, political affiliation. However, this line of argument probably would run counter to First Amendment rights to freedom of speech. He then posed a query concerning whether differing grading standards for minority students might be justified by the need cited by Justice Powell for a diverse student body. Perhaps, but this would violate a condition specified in Justice Brennan's opinion (joined by three other Justices), that there must be no stigmatizing effect of remedies adopted.

Following breakfast on September 22, participants met in two separate "workshop" groups to discuss issues that had arisen in the conference. Reports from these workshops to the total group noted the following among topics discussed:

- -- Many entering college students seem ill-prepared. Should graduate schools share responsibility for improving college-preparation curricula in elementary and secondary schools?
- -- Should graduate schools share responsibility for increasing the minority student pool from which students are selected for higher education?
- -- In advising and guiding graduate students, faculty members have special responsibilities to share information concerning job opportunities in the discipline.
- -- Should graduate admission policies be molded to fit estimates of job prospects in a discipline, or should those policies be independent of estimated placement opportunities?
- -- Should students be admitted who are predicted to perform well in graduate study or who are predicted to contribute greatly to a profession following completion of training (should these not prove to be equivalent)?

- Affirmative action in higher education is designed to provide opportunities for the development of talent previously undeveloped as a consequence of educational deprivation. It is desirable to have a variety of affirmative action programs, supported both by institutions and government agencies.

- Bakke is seen as providing a positive challenge to strengthening our commitment to affirmative action, and supports the considering of applicant credentials in addition to the traditional ones, college grades and GRE scores.

- AGS should be concerned about the possibility that the GRE is a barrier to admission for some promising minority students.

- Graduate admissions criteria and procedures should be reviewed in the light of the Powell opinion in Bakke.

- The GRE Minority Student Locater Service seems to be most effective when it stimulates personal contact with potential applicants, by letter or telephone.

- The development of role models is an important aspect of affirmative action efforts. The role model for minority students also contributes educationally to the non-minority student.

- Dishonest appraisals of promise, that lead to the acceptance of minority students unlikely to successfully complete the program, must be avoided.

- University educators should explore non-traditional recruiting strategies, e.g., consider working with the churches of black citizens to recruit black students.

- Note that minority groups can and should take actions that contribute to affirmative action goals. In particular, consider calling upon the black community to provide financial support for black students.

In the course of discussing these issues, participants also discussed the desirability of submitting one or more resolutions to be considered at the annual meeting of AGS on October 2-3, 1978. A resolution committee was appointed, and at lunch on September 22, participants, without dissent, endorsed two draft resolutions, included here as Attachment B.

Participants expressed thanks to Professors Daye and Van Alstyne, as well as to ACE and UNC-CH for a stimulating conference.

Lyle V. Jones, Reporter
September 22, 1978

Attachment B

Resolutions submitted to AGS by participants of the Chapel Hill ACE-AGS Post-Bakke Conference

1. Resolved: that the AGS membership recognize that the Bakke decision enhances our opportunities in the area of affirmative action. This recognition must not and need not affect the primary importance of quality to our enterprise.

2. Resolved: that, in order to take full advantage of opportunities offered by the Bakke judgment, graduate deans re-examine carefully the admission criteria and procedures employed in the selection of graduate students.

Summary of ACE-AGS Post-Bakke Conference, The University of North Carolina at Chapel Hill, September 21-22, 1978

Professor Charles Daye of the UNC-CH Law School, currently President of the North Carolina Association of Black Lawyers, presented an analysis of the Supreme Court decision in Bakke. He noted several features of the UC-Davis Medical School admission procedures that, in his view, have become impermissible as a consequence of Bakke: the fixing of an exact number of minority places, a "two-track" system of review with different criteria for the two tracks, and the use of the classification "disadvantaged" as a pretext for "minority." Professor Daye believes that the Supreme Court has left to the university wide latitude in judging the qualifications of applicants. He urged that institutions focus upon a criterion of a diverse student body (for institutions other than those for which findings have been made by a competent administrative, legislative, or judicial body of specific instances of past discrimination, in which case special admissions programs for the discriminated groups *may* be permissible).

Professor Daye suggested that graduate schools adopt "one-track" admission systems using the same process for review of minority and non-minority applicants, weighing *individual* attributes, and *individually* selecting admittees, and that they leave unquantified a number of relevant qualitative characteristics of applicants (motivation and commitment, overcoming handicaps, etc.). All such factors, one of which may be race, should be considered in admission decisions. He proposed that an admitting office should plan to admit a reasonable number of minority applicants to achieve desired diversity, but should resist specifying exact numbers of minorities to be admitted. Profess Daye offered his opinion that good faith efforts on the part of institutions will have a material effect on lawsuits, and he suggested that admission officers operate flexibly in their review and selection of applicants.

Professor William Van Alstyne, William R. Perkins Professor at Duke Law School and immediate Past-President of the national AAUP, argued that a number of educational practices that benefit minority students, if judged by faculties to be educationally sound, probably remain permissible in the wake of Bakke, including the allocation of a disproportionate share of resources to minority students, the establishment of pre-admission remedial programs for minorities, and the establishment of special programs during the course of training. He urged educators to think hard about student characteristics that, in a faculty's experience, are related to the criterion of a desired mix of students, and about the extent to which these characteristics need to be present in the student body to assure the quality of the educational product. Should open competition among applicants yield fewer minority students than the minimum judged necessary to meet educational goals, "bonus points" might be added to minority applicants to provide a number of minority students within the target range.

Professor Van Alstyne noted a possible difficulty in arguing the importance of diversity within Ph.D. programs, where the dissertation experience involves a single student working with one or more faculty. In graduate schools, if we argue for the importance of diversity of all graduate students in the university rather than diversity only within a discipline, it then becomes incumbent upon us to demonstrate significant contacts among students across disciplines. Perhaps it can be argued that a diverse student population contributes significantly to the quality of the faculty and to faculty attitudes and perspectives.

Concerning the goal of increasing minority doctoral enrollments for the purpose of enhancing diversity of the pool of prospective faculty members, Professor Van Alstyne offered several cautionary remarks. Often, the desire for a (racially) diverse faculty is defended on the grounds of providing "role models" for minority students. But, (1) we may be guessing rather than arguing from strong evidence that minority students develop greater rapport with minority faculty; (2) if it is accepted that students enjoy greater rapport with faculty of their own race, and since the majority of students are white, this argument might suggest a preference for white faculty members, to serve the greater number of students; (3) with race remaining a suspect class, are we able to stipulate no feasible alternative to the "role model" to achieve the desired end, e.g., financial incentives for minority students?

Professor Van Alstyne posed the thesis that the Powell argument for desirable diversity might be thought to apply not only to race but also to religion, ideology, political affiliation. However, this line of argument probably would run counter to First Amendment rights to freedom of speech

He then posed a query concerning whether differing grading standards for minority students might be justified by the need cited by Justice Powell for a diverse student body. Perhaps, but this would violate a condition specified in Justice Brennan's opinion (joined by three other Justices), that there must be no stigmatizing effect of remedies adopted.

Conference participants met in two separate "workshop" discussion groups. Reports from these workshops to the total group noted the following among topics discussed:

-- Many entering college students seem ill-prepared. Should graduate schools share responsibility for improving college-preparation curricula in elementary and secondary schools?

-- Should graduate schools share responsibility for increasing the minority student pool from which students are selected for higher education?

-- In advising and guiding graduate students, faculty members have special responsibilities to share information concerning job opportunities in the discipline.

-- Should graduate admission policies be molded to fit estimates of job prospects in a discipline, or should those policies be independent of estimated placement opportunities?

-- Should preference in admission be given to applicants who are predicted to perform well in graduate study or who are predicted to contribute greatly to a profession following completion of training (if these are not equivalent)?

-- Affirmative action in higher education is designed to provide opportunities for the development of talent previously undeveloped as a consequence of educational deprivation. It is desirable to have a variety of affirmative action programs, supported both by institutions and government agencies.

-- Bakke is seen as providing a positive challenge to strengthen our commitment to affirmative action, and supports the considering of applicant credentials in addition to the traditional ones, college grades and GRE scores.

-- AGS should be concerned about the possibility that the GRE is a barrier to admission for some promising minority students.

-- Graduate admissions criteria and procedures at each university should be reviewed in the light of the Powell opinion in Bakke.

-- The GRE Minority Student Locater Service seems to be most effective when it stimulates personal contact with potential applicants, by letter or telephone.

-- The development of role models is an important aspect of affirmative action efforts. The role model for minority students also contributes educationally to the non-minority student.

-- Dishonest appraisals of promise, that lead to the acceptance of minority students unlikely to successfully complete the program, must be avoided.

-- University educators should explore non-traditional recruiting strategies; e.g., consider working with the churches of black citizens to recruit black students.

-- Minority groups can and should take actions that contribute to affirmative action goals. In particular, consider calling upon the black community to provide financial support for black students.

Prior to adjournment, the conferees adopted two resolutions, and submitted them to the Association of Graduate Schools:

1. Resolved: that the AGS membership recognize that the Bakke decision enhances our opportunities in the area of affirmative action. This recognition must not and need not affect the primary importance of quality to our enterprise.

2. Resolved: that, in order to take full advantage of opportunities offered by the Bakke judgment, graduate deans re-examine carefully the admission criteria and procedures employed in the selection of graduate students.

Lyle V. Jones, Reporter
January 5, 1979

LAW SCHOOLS

WASHINGTON, D.C.

OCTOBER 5-6, 1978

Agenda

List of Participants

Report of the Conference

Report Prepared for Summary Conference

Attachment B

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Associate Director
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Assistant Director
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September 30, 1978

MEMORANDUM

To: Participants in the American Council on Education/ Association of American Law Schools/Law School Admission Council Invitational Conference on Bakke

From: Millard H. Ruud

Subject: Agenda For The Conference

At the initiative of the American Council on Education, the Ford Foundation provided funding for the presentation of this conference and six or seven additional. This conference is sponsored jointly by the American Council on Education, Law School Admission Council and our Association. The conference will convene at 9:30 Thursday morning, October 5 in the Kellogg Room on the 8th Floor of One Dupont Circle, N.W. On Friday morning we will meet in room 303 at 11 Dupont Circle, N.W., which is across Dupont Circle from our offices and across the street from the Dupont Plaza Hotel.

Professor L. Orin Slagle of Ohio State University, Chairman of the ACE-AALS Bakke Committee and President of the Law School Admission Council, will chair the invitational conference. Professor Wayne McCormack of the University of Utah, reporter for the ACE-AALS Bakke Committee and the former Associate Director of our Association, will serve as reporter for this invitational conference. Professor McCormack will prepare a summary of your day and one-half of discussion. The ACE-AALS Bakke Report and this summary will serve as the background papers for the five regional conferences sponsored by the Law School Admission Council and our Association. These will be held in Chicago on October 20th, Dallas on November 3rd, Atlanta on November 3rd and 4th, Los Angeles on November 17th, and New York City on November 17th and 18th.

In addition to this agenda memorandum, you should have received from us a copy of the ACE-AALS Bakke Report. I suggest that you bring both of these with you. You may also wish to bring a copy of the opinions of the Surpeme Court in Bakke.

1) Which Opinion Should Guide Action? The Stevens group found Title VI determinative of what it considered the sole

question -- whether Bakke was entitled to be admitted to the Davis Medical School. The Brennan group viewed Title VI and the Equal Protection Clause for these purposes to mean the same thing. It recognized the legitimacy of certain kinds of race conscious admissions programs and found the Davis program to conform to the requirements of the Equal Protection clause. Mr. Justice Powell agreed with the Brennan group on the equivalency of Title VI and Equal Protection Clause. He found Bakke's exclusion from consideration for one of all 100 seats to be constitutionally objectionable. However, he, too, recognized the constitutionality of race conscious admissions programs under certain circumstances. No single opinion speaks for the majority of the Court. What method should one use in predicting the behavior of the District Courts and Courts of Appeal in subsequent cases?

2) Title VI. What are the probabilities that the Steven' group's literal reading of Title VI will become the law? Does Title VI provide not only a sanction of the cutoff federal funds but also a private remedy? Assuming that a violation of Title VI were found in the department of physics at another university in the university system, could that lead to a cutoff of federal funds to the law school? Suppose that the department was part of the same university in the system? Suppose the law school benefits from federal funds solely to receipt by its students of federal loans; is the law school covered?

3) Relevance Of Purpose In Race-Conscious Admissions. Race is a suspect classification and thus is especially vulnerable to attack under the Equal Protection Clause. Whatever the level of judicial scrutiny of the state action (e.g., strict scrutiny satisfied by the existence of a compelling state interest), the public purposes to be served by this classification are of critical importance. In the law school setting, what are the purposes commonly given to justify race-conscious admissions? To what extent have law faculties by formal action adopted statements of purpose for their race conscious admissions programs? For admissions programs in general? To what extent has there been university participation at the administration or board level in this? What is the importance for potential future litigation in the law school revising and adopting a statement of purpose?

4) Davis Purpose - "Reducing the Historic Deficit of Traditionally Disfavored Minorities in Medical Schools and the Medical Profession."Powell rejects this as facially invalid. The Brennan group gave implicit recognition to this objective where the purpose is part of an effort to avoid exclusion of historically disadvantaged minorities if there is reason to believe that the disparate impact is itself the product of past discrimination.

5) Davis Purpose -- "Countering the Effects of Societal Discrimination." Powell recognized this as a constitutional purpose, but insisted that there be judicial, legislative or administrative findings of constitutional or statutory violations against the target groups, He stated that the California Board of Regents was not the appropriate governmental agency to make those findings. The Brennan group also recognized this as a constitutional purpose, without insisting on these formal findings. Should law schools and their universities

seek to have some state governmental body make the findings Powell requires? What are the risks in this effort? A legislative refusal? Civil liability? And excessive response that specifies admissions criteria and procedures?

What of a finding by a federal executive agency? What if the United States Civil Rights Commission upon the basis of a study made the Powell findings? Would that satisfy the needs not only of the law schools in Texas but also in Idaho?

6) Davis Purpose -- "Increasing the Number of Physicians Who Will Practice in Communities Currently Underserved." Powell rejects this purpose for lack of evidence. Is legal education's case for the use of race or ethnic background for the purpose of selecting students likely to make a special contribution once in the profession stronger than that of any other professional or graduate school? Lawyers have historically played a special role in making democratic and representative government work through serving in all branches of government. Also, organized groups play a large part in contemporary representative government at all levels and law educated persons often find themselves in leadership roles in these groups. In the 1960s one purpose urged for race conscious admissions was to help provide law educated leadership so as to move some of the disputes off the streets and into the city council and other governmental chambers. Should an effort be made to develop and document this justification?

7) Davis Purpose -- "Obtaining the Educational Benefits That Flow From An Ethnically Diverse Student Body". Powell recognizes the constitutionality of using race, among other factors, in selecting students so as to obtain the educational benefits that flow from the diverse student body. Given the nature of legal education, this justification would seem especially applicable to law school admissions. Public comment on Bakke has emphasized Powell's recognition of the educational diversity purpose. And some comment has suggested that this will permit professional schools to proceed pretty much as they have in the past. But does Powell stand alone in recognizing this purpose? What of the Brennan group's requirement that a race conscious admissions program not stigmatize any discrete group or individual? The Washington Post reports Dr. Coleman's summary of the findings of the number of elementary and secondary school desegregation studies as indicating that racial and ethnic diversity may not improve learning by minorities. Is this relevant? Is Powell's factual assumption a given? How many blacks, for example, may be admitted to serve the educational purpose of diversity? Powell insists that if race is used as a factor to obtain the educational benefits of diversity, it must be what one such factor. What are the operational consequences? If educational diversity is sought, what changes may law schools need to make in their admission applications?

8) Consequences of an Impermissible Purpose. Assuming that educational diversity is a constitutional purpose, what are the potential litigation and program risks in limiting the law school's statement of the purposes of race conscious admissions to diversity? Of purposes including purposes approved by the Brennan group?

9) Goals and Quotas. Whatever may be the stated purposes, what is the policy and legal wisdom in quantifying enrollment objectives? Is there only a semantic difference between a goal and a quota?

10) Composition and Procedures of the Admissions Committee. Powell and the Stevens group emphasized that Bakke was excluded from consideration for the 16 seats. Does this preclude the use of a special committee to evaluate applications from minority group persons? Does it require that all members of the admissions committee consider and pass on all applications? Does it say anything about the use of students on admissions committees or how they may function thereon?

11) Integrating the Affirmative Admission Program Into the School's Total Admissions Program. The affirmative action program using race conscious admissions is but a part of the total program. Whatever are the purposes of the affirmative action aspect, these are but a portion of the objectives sought to be served. How integrate the statement of the purposes of the admission program to the educational program and the institutional objective in serving the profession and public?

12) The Impact of Federal Legislation and Executive Action. The Council on Legal Education Opportunity (CLEO) is a federally funded program for minority and economically disadvantaged who wish to go to law school. Being a later enacted statute and for other reasons, the CLEO authorization legislation would seem to repeal by implication Title VI, to the extent that Title VI might be viewed applicable. Also, the Congressional Committee reports on the authorization and reauthorization bills would seem to contain sufficient findings to satisfy the Powell requirements. Similarly, the new Graduate and Professional Opportunities Fellowships (targeted primarily at minority group persons) would seem not objectionable under Title VI or the Equal Protection Clause. Some law schools admit applicants who are scheduled to attend a CLEO summer institute on the condition that they satisfactorily complete the institute. In the past, at least, some law schools have set aside several seats for CLEO summer institute graduates. Should law schools review the formulation of the relationship of their admissions program to the CLEO program in light of Bakke?

What of the law schools that are parts of universities that are under HEW desegregation orders? Do those orders satisfy Powell's requirement of a finding to justify race-conscious admissions for the purpose of curing the effects of societal discrimination? Are the numbers used in these orders goals or quotas?

13) Financial Aid. The IRS Revenue Ruling on racially nondiscriminatory policies for private schools permits a school to administer a race-conscious scholarship as long as the total financial aid program of the school is nondiscriminatory. Suppose through voluntary contributions from the faculty scholarship aid is provided from that fund to minority students only. If administered so that there is state action, is it vulnerable? The purpose of race-conscious admissions is to enroll and not merely to admit a minority applicant. Does this justify race-conscious financial aid programs?

14) *Model Statements of Admission Policy*. Should the AALS and LSAC through the *Legal Affairs Manual* or the LSAC through a memorandum issued by the Committee on Legal Affairs or some other group undertake to draft several models of admission policy designed to conform with the several readings of the *Bakke* opinions? Is there the risk that schools taking a different view in their statements would be embarrassed by these statements in any way in future litigation?

Research Agenda. What are the questions deserving library or empirical or both research on the legality and policy wisdom of race-conscious admissions policies and practices? How should this research agenda be compiled? What steps should be taken to get the most important of these research projects launched soon?

cc: Executive Committee

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American Council on Education - Association of American Law Schools - Law School Admission Council

NATIONAL INVITATIONAL CONFERENCE ON THE IMPLICATIONS FOR LEGAL EDUCATION IN *BAKKE*

October 5 and 6, 1978

Washington, D.C.

Under a grant from The Ford Foundation and at the initiative of the American Council on Education, representatives of law schools with competitive and diverse admissions were invited to discuss the implications for legal education, especially admissions in *Bakke*.

Participants

Moderator: Professor L. Orin Slagle, Ohio State University

Reporter: Associate Dean Wayne McCormack, University of Utah

I. *REPRESENTATIVES OF LAW SCHOOLS*

Note: Following "enrollment" is given total minority group enrollment/total enrollment. Enrollments are taken from the 1977 ABA Review of Legal Education. Where the 1978-79 *Prelaw Handbook* contains the information, following "demand" is given total applications/total admissions/number in fall 1977 first year class.

Boston College Law School

Dean Richard G. Huber

Professor Robert C. Berry

Enrollment: 77 / 778 Demand: 3940 / 725 / 272

University of California, Berkeley

Director of Admissions Beth Cobb O'Neil

Enrollment: 223 / 936 Demand: 3105 / 583 / 304

University of Florida

Associate Dean Elmer Leroy Hunt

Associate Professor Kathryn L. Powers

Enrollment: 101 / 1065 Demand: 1189 / 424 / 350

Indiana University, Bloomington

Dean Sheldon J. Plager

Assistant Dean Frank Motley

Enrollment: 60 / 597 Demand: 1040 / 427 / 217

University of Minnesota

Associate Dean Robert F. Grabb

Enrollment: 51 / 729 Demand: 1191 / 383 / 250

University of New Mexico

Dean Frederick M. Hart

Associate Dean Peter A. Winograd

Enrollment: 114 / 313 Demand: 714 / 177 / 103

New York University

Director of Admissions Joyce Putnam Curll

Enrollment: n/a / 2574 Demand: 4386 / 770 / 367

Stanford Law School

Dean Charles J. Meyers

Professor William Cohen

Enrollment: 54 / 519 Demand: 3177 / 492 / 173

University of Texas

Professor Stanley M. Johanson

Enrollment: 209 / 1578 Demand: 3373 / 898 / 529

Vanderbilt University

Associate Professor Robert Belton

Enrollment: 35 / 507 Demand: n/a

University of Virginia

Associate Dean Albert R. Turnbull

Professor Samuel C. Thompson, Jr.

Enrollment: 46 / 1094 Demand: n/a

II. *Specially Invited Participants*

Dr. Robert Atwell, Vice President, American Council on Education

Dr. W. Todd Furniss, Director, Office of Academic Affairs, American Council on Education

Wade J. Henderson, Esq., Executive Director, Council on Legal Education Opportunity

Dr. J. W. Peltason, President, American Council on Education

Professor James P. White, Consultant on Legal Education to the American Bar Association

Professor Thomas O. White, Director of Law Programs, Educational Testing Service

Bruce Zimmer, Esq., Executive Director, Law School Admission Council

Attachment C

REPORT OF NATIONAL INVITATIONAL CONFERENCE ON BAKKE

The National Invitational Law School Conference on Bakke, held in Washington on October 5 & 6, was sponsored by the American Council on Education, Association of American Law Schools and Law School Admission Council with funding from the Ford Foundation. This report is a summary of the discussions of the conference.

I.

Interpreting the Opinions

The Stevens group of four Justices found that Allan Bakke was excluded from the Davis Medical School on the ground of his race in violation of Title VI. The Stevens opinion did not elaborate on what factors lead to the finding in this case of "exclusion." The opinion thus leaves considerable doubt about whether any admission program using race as a factor would be deemed nonexclusionary. It is likely that the Stevens group is inclined to hold that any use of race is invalid because a person who was not admitted might be able to prove that he or she was excluded on the ground of race. Even a person who was admitted after receiving only a "plus" on the basis of race, as in the Powell-Harvard model, has displaced another who could argue that the ground of his or her exclusion was racial. On the other hand, as the ACE-AALS Report on Bakke points out, the Stevens group based its decision only on Title VI and expressly reserved the question of whether race can be used at all; thus it may be possible to persuade at least one member of this group to another position.

The Brennan group determined that both Title VI and the Constitution authorized race-conscious admissions if the use of race were (1) designed to remove a disparate impact that the admission process would otherwise have as a result of past discrimination and (2) is reasonable and nonstigmatizing in application. This group apparently would allow the explicit use of race with numerical limits in an admission program with respect to any racial or ethnic group that had been the victim of institutional or societal discrimination.

The Powell opinion will necessarily receive the most attention since it represents the swing vote on the current court. There are several inherent tensions present within the Powell opinion, giving rise to substantial doubt about how to comply with his mandate. For example, Justice Powell requires strict scrutiny of any racial or ethnic classification but validates some racial and ethnic classifications. He indicates that there is no distinction between a quota and a goal yet condemns the quota nature of the Davis program in holding it unlawful. He finds a first amendment freedom on the part of the school to use race in pursuit of educational diversity, but he appears to mandate not only the types of diversity that a school must pursue but also the methodology by which that pursuit should be undertaken. He refers to a "right to individualized consideration" without indicating from where that right is derived, particularly when those not receiving individualized consideration are demonstrably different from the group which is receiving individualized consideration on rational admission criterion such as predicted academic performance.

These problems in the Powell opinion leave open questions such as the following:

1. Does Powell require adherence to the Harvard model or merely avoidance of the Davis allocation of specific seats?

2. Can race be the only diversifying factor pursued by a school, at least when diversity on other factors is produced through the normal admission process?

3. Does the pursuit of diversity require the admission of some nonminority applicants from the same range of predicted academic performance in which some minority applicants are selected?

4. Can a school articulate any expected number of minority admissions in order to demonstrate to minority applicants its good faith in seeking minority students?

It is possible to read the Powell opinion narrowly to prohibit only the reservation of a specific number of seats for members of designated minority groups. On this view, a school could establish parameters on the number and performance level of its minority students. A broad reading of the opinion, however, might foreclose any consideration of numbers in establishing an admission policy. Justice Powell omitted from his description of the Harvard model its reference to numbers, and he may have intended to force schools into his version of the model.

II.

Application of Title VI

It is probable that all law schools affiliated with universities are subject to Title VI on the basis of federal funding gained by other parts of the university. In addition, even independent law schools might be covered by Title VI because of their students' receipt of federal financial aid. In any event, it is likely that most law schools will proceed as if covered by Title VI. This is appropriate because other state and federal statutes may produce the same result as Title VI.

III.

Models of Minority Admission Policies

A basic distinction in all admission procedures is the difference between a prediction model and a selection model. A prediction model attempts to forecast academic performance in school by using numerical predictors such as LSAT and GPA along with nonquantified predictors such as interviews, letters of recommendation and other indicia of probable academic performance not reflected in the quantified predictors. The prediction model then attempts to identify those persons having the greatest potential for successful performance in school. A selection model, on the other hand, attempts to select students to meet various program needs of the institution. The selection model might rely on factors such as resident status, economic or social status, work experience and alumni relationships to meet the economic, social, educational and political goals of the school. Most schools probably use some blend of both models, selecting most of their students upon the basis of prediction and adding some students selected for other purposes. A major question posed by the Powell opinion is the extent to which a school may rely on the prediction model as its predominant tool and deviate from that model when race is the only additional criterion for selection.

One highly selective private law school with an elitist reputation described its admission process as giving race a quantified plus. In essence, the system used at that school requires calculating the mean predicted first year average of the lowest ten nonminority admittees from the previous year. Any minority student who applies with a predicted first year average within .3 of that level is automatically admitted. Other minority students will be admitted on the basis of an overall evaluation of the file. The faculty at this school does not consider applications from nonminorities below a certain predicted first year average, although that cutoff point is higher than the level at which minority applicants are automatically admitted on the formula. This school maintains that it would be impossible to review all the files of nonminorities in the range from which minority applicants are being considered. The rationale for this school's deviation from the Harvard model is that it obtains diversity on factors other than race and ethnic status through its regular admission pool. There is no established policy within that school on what kinds of diversity to pursue from the nonminority applicant pool, but the records of all those applicants above the cutoff point are inspected for unusual or otherwise interesting factors.

One state school with a relatively selective admission process and a large minority population reported that it had reviewed its student body over the last ten years and had found numerous diversifying factors among those students. This school had concluded that sufficient diversity except for race was being produced through the normal admission process for the simple reason that people are diverse and one can find diversity within any given group. This school intends now merely to monitor the presence of those factors in future classes while continuing its policy of admitting a certain percentage of minority applicants.

A private law school with a less selective admission program reported that it had articulated a policy of diversity within the student body since 1973. It has reached down within its applicant pool in terms of predicted performance to take people for the sake of diversity on factors other than race. This school believes that it may be necessary to admit nonminority persons from each range of predicted performance from which minority applicants are drawn. This technique may be necessary to achieve diversity at all ranges of predicted performance.

The first issue presented by these models is whether a school must consider and must admit nonminority applicants from the entire range of predicted performance from which it is considering and admitting minority applicants. In other words, the question is whether a school may establish a cutoff floor for consideration of nonminority applicants and go below that floor for admission of minority applicants. Justice Powell spoke of a right to individualized consideration and said, at least in dictum, that the fourteenth amendment and Title VI prohibit excluding nonminority persons from consideration on the basis of race.

This question relates to the proper allocation of resources for the admission process as a matter of educational policy. Most observers would agree that the predictors of academic performance are not adequate for drawing fine distinctions between persons, particularly not for the purpose of selecting those most likely to contribute special qualities to the school or to society. Many schools have not devoted significant resources to assessment of individual files throughout the applicant pool and are relying essentially on a prediction model. There may be reason to shift away from the prediction model to a selection model but a judgment must be made about the extent of resources that the school is willing to commit to this project. This requires assessment of what is likely to be gained by shifting more resources into operation of a selection model when we have relatively little knowledge about the criteria on which we are selecting.

If the admission process is designed to seek out the best possible first year class, then we should be able to define on what ground we are determining that the class is the best possible. If it is academic performance, we know that not every student can be in the top half of the class. If our criterion is success as a lawyer, we have as yet no basis for predicting performance in the profession. Thus the criteria for selection may relate more to the goals of the school and mix of students desired in its population than to anything inherent about the applicants themselves such as their future performance. In this formulation, the role of race itself may be important not only for the school's educational mix but also because of the school's desire to provide service to the community. This leads to the question of whether purposes other than educational diversity can be supported by amassing the evidence to justify pursuit of those purposes.

Another model described during the discussion was that of a large state school that sets a target range of 10 to 12 per cent for minority admissions. The justification for using this model is that the school has more minority applicants who are at least minimally qualified, in the sense of showing likelihood of completing the educational program, than it believes are required for diversity or for whom it can make special room. The setting of this target range essentially excludes white applicants from consideration for the number of seats represented by the lower end of that range, but it is not a fixed reservation of specific seats as in the Davis model. This school believes that it needs to fix and articulate the range both to guide the discretion of its admission committee and to demonstrate its good faith to minority applicants.

It is even possible that setting a target range serves to promote the goal of providing educational diversity through a system slightly different than the individualized consideration envisioned by Justice Powell. The number of students of a particular group needed to promote diversity within the student body depends on the purpose of diversity and on the preexisting mix of the student body. Justice Powell seemed to assume that every admission decision would be made on that individual's merits, but in fact decisions must be comparative. When the admission officer nears completion of the class and realizes there is not sufficient diversity on ethnic or racial bases, the "sufficiency" must be measured against some target figure, however loosely defined.

In considering how many students are desired from which categories, a school might consider that the interests of the students would be served by assuring that there are sufficient students of each minority ethnic group to provide a critical mass for mutual support among those students, but an upper limit lies in the need to assure that the predicted academic performance of those students does not place them all at the bottom of the class on academic performance. Most schools have reported that specially admitted minority students tend in the aggregate to form a layer at the bottom of performance in the school. This layering will be inevitable to some extent unless the school is also taking in other students with relatively low predicted performance to serve diversity on other factors. One school reported its observation that a minority student population of thirty per cent in the student body makes a difference in terms of integrating those students completely into the social structure of the student body. This belief is supported by some studies with respect to women students in law schools, although studies from elementary and secondary education may be contrary.

One southern state school pointed out that it is under a court order to have 6.8 per cent of its student body consist of members of minority groups by 1982. In addition, this school's Board of Regents has decreed that the school may admit up to 10 per cent of its student body on criteria other than its normal admissions. Thus the school has two separate pools from which to draw and probably satisfies the Powell test for using what is essentially a quota system.

In conclusion, Justice Brennan may be right that there is no functional difference between a "set aside" and other types of preference models. Any system that draws from two groups that are not comparable on the criteria normally used by the school is exclusionary to the degree of the number accepted from the group ranking lower on that set of criteria. This conclusion points out that the appearance of fairness to individual applicants is constitutionally significant in Justice Powell's formulation. Thus models should be established with the appearance of fairness in mind. This is where the right to individualized consideration comes in, although Justice Powell does seem to have left room for each school to establish the type of review and evaluation of applicants that it wishes to pursue.

IV.

Other Procedural Considerations

Two separate committees for minority and nonminority applicants could only be operated if no number limits were set on the admission decisions by each committee. This may well be impossible to operate, because some group or person must have the final decision-making authority. The entity with that authority is the one whose review will be crucial in determining whether the appearance of fairness has been met.

With respect to the presence of students on the admission committee, the Bakke opinion offers no guidance. This decision must be controlled by other considerations.

The question of whether a waiting list for seats in the class should be ranked in order of priority is a difficult one. This technique may limit the class of potential plaintiffs since it would identify those who have been excluded on whatever ground is the subject of later challenge. This ameliorates the possibility of relief, particularly if all those on the waiting list have been accepted and enrolled at other schools. Ranking of the waiting list, however, may fly in the face of the Powell opinion because he would insist on looking at the rest of the class for aspects of diversity on each admission decision that is made. It might be possible to have several ranked waiting lists ordered by priority depending upon the makeup of those who have committed themselves to enroll.

V.

Recruitment of Minority Students

Recruiting of minority students is permissible under the Bakke opinions. A question of policy is what forms of recruiting are likely to be most effective.

The earlier minority students can be turned on to the idea of professional education, the more likely they are to prepare themselves for this prospect. It may be necessary to identify students in high school and track them directly through college to professional schools. At least it will be more helpful to have recruitment activities focus at the sophomore and junior level in college than solely on seniors. In addition, summer programs at the law schools might be most productive if they were focused at levels below the seniors in college. Since law schools are in competition with other professional schools and with business in attracting minority applicants, it may be advisable to devise a nation-wide system of recruiting under the auspices of the AALS or LSAC or both.

A minority person may make the most effective recruiter, although that person would lack credibility if he or she does not have other responsibilities at the school. A minority lawyer having no affiliation with the school might also be effective if he or she appears with a law teacher or other representative of the school.

Recruiting efforts probably should be directed primarily at the large state universities since these are likely to produce a larger share of the minority students with the best chance of succeeding in law school.

VI.

Financial Aid

Some schools have expressed nervousness over whether they may participate in the federal Graduate and Professional Opportunities Program. The rationale for this program's validity under Title VI is that Congress has explicitly authorized the minority focus of the program and thus excepted it from the coverage of Title VI. This can be shown particularly by legislative history during the appropriations debates.

With respect to school grant money, if the formula for computing financial eligibility takes need into account, then it may be difficult to justify color conscious grants. The justification would require showing either that (1) minority students are more likely than nonminority students at the same need level to decline enrollment without financial aid or (2) minority students are more needed by the school than nonminority students. The latter possibility essentially moves the school from a need basis to a selection basis for allocating resources; the school is in the position of purchasing certain categories of manpower. Another approach to the need analysis argument might take into account minority students' ability to repay loans after leaving school or inability to work while in school. The minority student may have a lower expected income after school or less ability to succeed while working during school. This would allow emphasis to be placed on minority students in allocating the school's grant money so that they need not be saddled with as extensive a debt load as other students. Each of these approaches would require substantial research to determine the validity of the assumptions.

VII.

Research

The possibility exists that the federal government through one of its agencies could make findings regarding past discrimination on a national basis and recommend methods to remedy that discrimination. The risks of having a federal entity make these findings include the possibility that the agency would use the opportunity to mandate specific requirements of affirmative action admissions. The benefit to be derived from these findings would lie in avoiding the vagaries of the Powell opinion. After discussion, the conference arrived at a consensus that the gain would probably be worth the risk if control could be assured over the process by which these findings would be researched and made.

Among the topics on which findings could be made are: (1) the degree to which the current applicant pool for law school has been constitutionally wronged by attending segregated school systems, and (2) the extent to which minority graduates have either served minority communities or assisted in social integration by serving important institutions such as government and civic organizations.

In addition, other potential possibilities for law school research include describing the profile of all college graduates and determining whether a number can be identified for addition to a prediction index to produce the critical mass of minority students at a given school. The first topic would be helpful in planning how to recruit for law schools and in identifying targets for allocating resources such as financial aid. The second question is related to the desire of some schools to have a quantified measure for bringing the credentials of the minority applicant pool into line with those of nonminority applicants so that selection can proceed without consciously maintaining two separate applicant pools.

Excerpt from Association of American Law Schools Newsletter No. 78-3 September 1978

Attachment D

IN THE AFTERMATH OF BAKKE

President Jack W. Peltason of the American Council on Education and President Eugene F. Scoles of AALS jointly appointed a committee of seven this past spring to develop for colleges and universities an analyses of the Bakke decision and opinions. The Ford Foundation and Carnegie Corporation of New York provided funding for this project. Three legal educators with substantial backgrounds in admissions and constitutional law were named -- Mildred W. Pavenell of Florida State University, Terrance Sandalow of the University of Michigan and L. Orin Slagle of Ohio State University. Vice President and Professor of Law Robert M. O'Neil of Indiana University of Bloomington was named to provide the perspective of the President's office. Senior Assistant Attorney General James B. Wilson, University of Washington provides the perspective of the university counsel. He is President-elect of the National Association of Colleges and University Attorneys. Assistant Provost and Registrar Clark R. Cahow of Duke University brings to the committee the concerns for undergraduate admissions. Assistant Dean Andrew J. Hein of the Graduate School of the University of Minnesota brings his considerable experience with graduate admissions. Professor Slagle chairs the committee. As President of the Law School Admission Council he brings a wealth of knowledge of the technical aspects of admissions. Professor Wayne McCormack of the University of Utah and formerly Associate Director of the Association serves as the Committee's reporter. With his national legal education perspectives, he brings the interests of a constitutional law scholar. After two two-day meetings in Washington and some telephone conversations, the Committee delivered the copy for its report to the printer at the end of August. The 60-page report was published on September 11.

A copy of the report was mailed first class to the deans of member schools and to the service-fee-paid non-member schools on September 12th. Under a covering memorandum prepared by the Special AALS-LSAC committee, four copies were sent on September 15 to all LSAC member schools for their Legal Affairs Manuals. Copies will also be made available to the participants in the national invitational workshop on Bakke and the five regional LSAC-AALS admissions workshops on Bakke. Additional copies may be purchased from Publications Sales Office, American Council on Education, One Dupont Circle, N.W., Washington, D.C. 20036. Prices are $3.00 for one copy, $2.50 each for 2-10 copies mailed to the same address and $2.00 each for 11 or more copies mailed to the same address.

President Scoles and Slagle have named Dean Frederick M. Hart of the University of New Mexico (chairman), Associate Professor Mildred W. Ravenell of Florida State University and Professor Harry B. Reese of Northwestern University as the joint AALS-LSAC Special Committee to prepare the memorandum for the Legal Affairs Manual. That memorandum will be a legal education gloss on the ACE-AALS Bakke report and will be distributed with the ACE-AALS Bakke report.

With support from the Ford Foundation, ACE, AALS and LSAC will sponsor a national invitation workshop on the implications of Bakke for law school admissions to be held in Washington on October 5th and 6th. Two representatives from ten schools having representative and competitive admissions situations have been invited to participate. Professor McCormack will prepare a summary of the discussion. That summary, the ACE-AALS Bakke report, and the Legal Affairs Manual memorandum will serve as the background papers for five regional admissions workshops on Bakke to be held during the fall under the sponsorship of LSAC and AALS. These will be held in Chicago on October 20th, Dallas on November 3rd, Atlanta on November 3 and 4, Los Angeles on November 17th, and New York City on November 17 and 18. LSAC will be communicating with the dean and LSAC representatives during September concerning these regional conferences.

The plenary session at the Association's annual meeting in Chicago in January will be devoted to Bakke and its implications for legal education, the profession and the public. Professor McCormack will prepare a brief background paper for distribution at that session.

REPORT OF NATIONAL INVITATIONAL CONFERENCE ON BAKKE

The National Invitational Law School Conference on Bakke, held in Washington on October 5 & 6 was sponsored by the American Council on Education, Association of American Law Schools and Law School Admission Council.

The Opinions:

The Stevens group of four Justices is likely to hold that any use of race is violative of Title VI because a person who was not admitted might be able to prove that he or she was excluded on the ground of race. Even a person who was admitted after receiving only a "plus" on the basis of race, as in the Powell-Harvard model, has displaced another who could argue that the ground of his or her exclusion was racial. The Brennan group would allow the explicit use of race with numerical limits in an admission program with respect to any racial or ethnic group that had been the victim of institutional or societal discrimination. The Powell opinion will necessarily receive the most attention since it represents the swing vote on the current court. There are several inherent tensions present within the Powell opinion, giving rise to substantial doubt as to how to comply with its mandate.

The Powell opinion leaves open questions such as the following:

1. Does the opinion demand adherence to the Harvard model or avoidance of the Davis allocation of specific seats?
2. Can race be the only diversifying factor pursued by a school, at least when diversity on other factors is produced through the normal admission process?
3. Does the pursuit of diversity require the admission of some nonminority applicants from the same range of predicted academic performance in which some minority applicants are selected?
4. Can a school articulate any expected number of minority admissions in order to demonstrate to minority applicants its good faith in seeking minority students?

Applicability of Title VI:

It is probable that all law schools affiliated with universities are subject to Title VI on the basis of federal funding gained by other parts of the university. In addition, even independent law schools mights be covered by Title VI because of their students' receipt of federal financial aid.

The Crucial Issue:

A basic distinction in all admission procedures is the difference between a prediction model and a selection model. A prediction model attempts to forecast academic performance in school by using numerical predictors such as LSAT and GPA along with nonquantified predictors such as interviews, letters of recommendation and other indicia of probable academic performance not reflected in the quantified predictors. The prediction model then attempts to identify those persons having the greatest potential for successful performance in school. A selection model, on the other hand, attempts to select students to meet various program needs of the institution. The selection model might rely on factors such as resident status, economic or social status, work experience and alumni relationships to meet the economic, social, educational and political goals of the school. Most schools probably use some blend of both models, selecting most of their students upon the basis of prediction and some students selected for other purposes. A major question posed by the Powell opinion is the extent to which a school may rely on the prediction model as its predominant tool and deviate from that model when race is the only additional criterion for selection.

If the admission process is designed to seek out the best possible first year class, then we should be able to define on what ground we are determining that the class is the best possible. If it is academic performance, we know that not every student can be in the top half of the class. If our criterion is success as a lawyer, we have as yet no basis for predicting performance in the profession. Thus the criterion for selection may relate more to the goals of the school and mix of students desired in its population than to anything inherent about the applicants themselves such as their future performance. In this formulation, the role of race itself may be important not only for the school's educational mix but also because of the school's desire to provide service to the community. This leads to the question of whether purposes other than educational diversity can be supported by amassing the evidence to justify pursuit of those purposes.

Justice Brennan may be right that there is no functional difference between a "set aside" and other types of preference models. Any system that draws from two groups that are not comparable on the criteria normally used by the school is exclusionary to the degree of the number accepted from the group ranking lower on that set of criteria. This conclusion points out that the appearance of fairness to individual applicants is constitutionally significant in Justice Powell's formulation. Thus models should be established with the appearance of fairness in mind. This is where the right to individualized consideration comes in, although Justice Powell does seem to have left room for each school to establish the type of review and evaluation of applicants that it wishes to pursue.

Procedural Considerations:

Two separate committees for minority and nonminority applicants could only be operated if no number limits were set on the admission decisions by each committee. This may well be impossible to operate, because some group or person must have the final decision-making authority. The entity with that authority is the one whose review will be crucial in determining whether the appearance of fairness has been met.

The question of whether a waiting list for seats in the class should be ranked in order of priority is a difficult one. This technique may limit the class of potential plaintiffs since it would identify those who have been excluded on whatever ground is the subject of later challenge. This ameliorates the possibility of relief, particularly if all those on the waiting list have been accepted and enrolled at other schools. Ranking of the waiting list, however, may fly in the face of the Powell opinion because he would insist on looking at the rest of the class for aspects of diversity on each admission decision that is made. It might be possible to have several ranked waiting lists ordered by priority depending upon the makeup of those who have committed themselves to enroll.

Recruitment:

Recruiting of minority students is permissible under the Bakke opinions. A question of policy is what forms of recruiting are likely to be most effective. A minority person may make the most effective recruiter, although that person would lack credibility if he or she does not have other responsibilities at the school. A minority lawyer having no affiliation with the school might also be effective if he or she appears with a law teacher or other representative of the school.

Financial Aid:

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January 26, 1979

COLLEGES OF EDUCATION

HARVARD UNIVERSITY

OCTOBER 7-8, 1978

Agenda

List of Participants

Report of the Conference

Report Prepared for Summary Conference

Saturday

(All sessions will be held in Gutman Conference Center)

8:40 a.m.

Transportation from the 57 Park Plaza Motor Lodge

9:00 - 10:00 a.m.

Breakfast

10:00 - 11:45 a.m.

The Bakke Case: Background and Analysis of the Decision

David Imig, Associate Director
American Association of Colleges for Teacher Education

Crystal Lloyd, Senior Member of the Research Staff
Sloan Commission on Government and Higher Education

Noon - 1:15 p.m.

Lunch

1:30 - 2:30 p.m.

Minority Enrollment in Teacher Education: How Well Are We Doing?

Sam Yarger, Professor of Education
Syracuse University

2:45 - 5:00 p.m.

Issues of Policy and Implementation Arising from the Bakke Decision: A Panel Discussion

David Carter, Associate Dean, School of Education
University of Connecticut

Daniel Grow, Assistant Director of Certification and
Educational Services, College of Education
Penn State University

Barbara Jackson, Associate Dean
Atlanta University

Sloan Weyland, Associate Dean of Teachers College
Columbia University

Moderator: Leon Johnson, Director of the Administrative Internship Program, Woodrow Wilson Fellowship Foundation

5:30 - 6:30 p.m.

Reception

6:45 p.m.

Dinner

There will be no evening session. Transportation to hotels will be available.

Sunday

(Transportation will be available from the 57 Park Plaza at 8:20 a.m.)

8:45 - 9:45 a.m.

Breakfast

10:00 - 11:15 a.m.

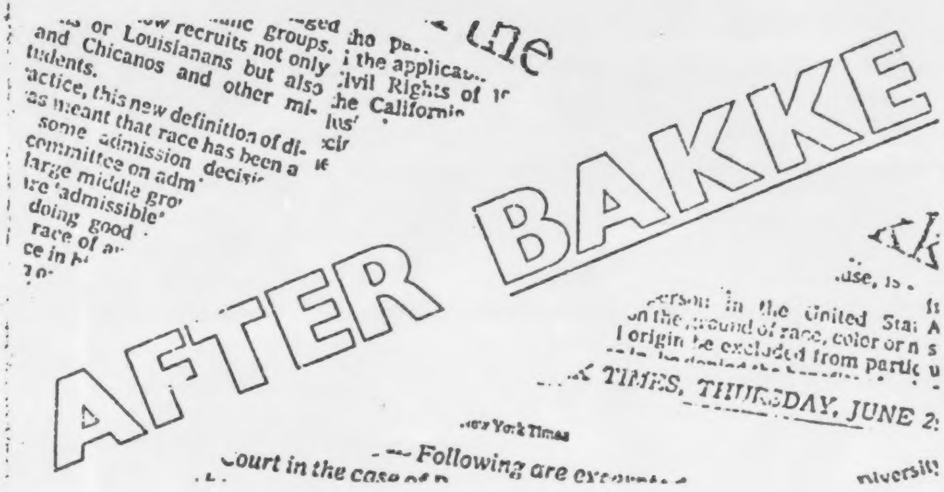
Concern for the Future...What Next?

Moderator: Paul N. Ylvisaker, Dean
Harvard Graduate School of Education

Resource Consultant: Harry T. Edwards
Professor of Law
University of Michigan Law School

(Transportation to hotels and the airport will be available after the meeting.)

PROGRAM



A Seminar

at Harvard University
Graduate School of Education

October 7-8, 1978

Funds for this Seminar were made available by the Ford Foundation through the American Council on Education.

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Dean Paul Ylvisaker
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Dean Barbara Jackson
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also attending:

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American Council on Education

David Imig
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Washington, D.C.

Louisa Tarullo
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Frederic Jacobs
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David Crimmin
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Joseph Cooper
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University of Connecticut

Post-Bakke Seminar for Deans of Education
Co-sponsored by The American Association of Colleges for Teacher Education
David G. Imig and Louisa B. Tarullo

The Post-Bakke Seminar for deans and faculty members in schools, colleges, and departments of education was hosted by Paul N. Ylvisaker, Dean of the Harvard Graduate School of Education. Held at the School's Gutman Conference Center on October 7-8, 1978, the meeting brought together representatives of twenty-one "high-demand" institutions to explore the implications of the Bakke decision for their undergraduate and graduate education programs.

The Program

The Saturday session was keynoted by Crystal C. Lloyd, a Senior Member of the Research Staff at the Sloan Commission on Government and Higher Education and a professor at Suffolk University Law School. Prof. Lloyd provided a comprehensive legal overview as a starting point for discussion of the case, outlining the constitutional basis and past judicial responses to the question of discrimination. She highlighted the most relevant factors of the Davis admissions program, then proceeded to provide an in-depth analysis of the separate opinions.

Prof. Lloyd stressed that although Justice Powell's judgment provides a result in the case, there was no unified opinion of the Court giving a reason for this result. The Bakke case exemplifies the complex challenge administrators face: to "find the right mixture of objectivity, subjectivity, and individualization to serve the needs of all groups." Prof. Lloyd's paper is included as an appendix to this report.

The Saturday afternoon session opened with a look at the demographic characteristics of the preservice and inservice populations served by schools of education, presented by Samuel Yarger, Professor of Education at Syracuse University. The data for Dr. Yarger's audiovisual presentation were derived from several sources, including the detailed characteristics report of the 1970 Census, the Digest of Education Statistics, the HEW Office for Civil Rights, the National Survey of Preservice Preparation of Teachers (conducted by Lewin Associates), and Dr. Yarger's own inservice studies, in cooperation with Kenneth Howey and Bruce Joyce.

A panel discussion followed, moderated by Leon Johnson of the Woodrow Wilson Foundation. Participants were David Carter, Associate Dean of the School of Education, University of Connecticut; Daniel Grow, Assistant Director, Certification and Educational Services, Pennsylvania State University; Barbara Jackson, Associate Dean, School of Education, Atlanta University; and Sloan Weyland, Associate Dean, Teachers College, Columbia University.

Reconvening on Sunday morning, the seminar participants were led in discussion by Harry Edwards, Professor at the University of Michigan Law School. Edwards pointed out that despite many questions remaining after an analysis of the Bakke opinions, those in favor of affirmative action can consider the case a clear victory: a majority of the Court has said "yes" to race conscious programs, in one form or another. While the Stevens group will be taking different positions in future cases, thereby making the Powell opinion less than the last word, Prof. Edwards said that Powell's opinion does offer some guidelines. First, Powell does not become involved with objective criteria; he does not mandate that the best students, on a quantitative standard, must be accepted. Nor, in terms of constitutional analysis, does he require that disadvantaged students have priority over those who have enjoyed educational advantages. Prof. Edwards discussed Powell's acceptance of academic diversity as a justification for race conscious admissions without regard to past discrimination. Edwards is especially concerned about upcoming employment discrimination cases, including Kaiser Aluminum v. Weber, which, although not in the academic arena, will impinge on future policies of institutions of higher education.

The Issues

In his summary remarks on Sunday morning, Dean Ylvisaker expressed his appreciation to the American Council on Education and the Ford Foundation for the opportunity to bring together deans of education to talk at length about an issue of great substance. He cited the discussion as one indicator of a movement in colleges of education over the past five years -- an increased interest in national issues. Dean Ylvisaker noted that deans and faculty members have demonstrated a "willingness to stretch" beyond their past role as educationists and to take a large look at educational issues from their perspective as educators. He characterized the seminar discussion as ranging from questions of how to accommodate to concerns of how to shape. While an inevitable reaction may be protecting existing programs from being vulnerable to litigation, a larger issue is discovering and implementing the best admissions practices.

Dean Ylvisaker suggested, that although professional educators are not often sought out for counsel on such issues by university trustees or presidents, they can provide an illuminating perspective. They are uniquely qualified to consider the underlying questions of educational philosophy in this case. Ylvisaker questioned the source of the "game of elitism" which has denied access to learning situations. Educators, he concluded, have a special obligation to go beyond anxiety about what's allowable, and to become involved in determining philosopical positions.

Sparked by the contributions of the resource people and discussion leaders, seminar participants addressed a wide range of issues ignited, if not answered, by the Bakke decision. A central concern was what effect the case would have on ways of measuring and judging prospective students. Although past decisions have been made on the basis of combining hard and soft data -- tempering objective measures with professional judgments -- there was some anxiety that increasing public scrutiny would cause a retreat into purely objective standards.

Participants wondered whether the increasing involvement by the courts in the formerly "immune" academic domain represented a growing distrust of the consequences of academic freedom. It was noted, however, that as educational and professional credentials become more valued "pieces of property," competition for them will increase, along with contention about the proper methods of granting access to them. Educators must be aware of the heightened tension between first and fourteenth amendment rights -- between guarantees of academic freedom and of equal educational opportunity.

Another major concern was how far-reaching the decision would be: what were implications for categorical financial aid programs, which are often used as a recruiting tool for encouraging minority enrollments? Prof. Edwards' commentary broke the issue down by sources of funding and methods of administration. First, Justice Powell would probably permit funding from federal sources earmarked for minority or disadvantaged students. If aid programs are administered internally out of general funds, with some amount clearly reserved for minorities, the program would probably be permissible as long as significant amounts of aid were availalbe for other students as well.

Prof. Edwards said the two hard cases are 1) providing money to minority students who are less needy than non-minority students, when the funds are used as a recruitment tool (although the academic diversity argument may help here) and 2) university administration of funds from outside sources other than government, which are earmarked for special groups. It is much easier, Edwards commented, if the student comes in with the foundation money. He stressed the fine distinction between exclusion from a program and exclusion from financial assistance; conceivably, other sources of funding, such as loans, would be routinely available to all students.

Seminar participants noted that schools of education, while serving as a traditional entry point into the professions for minorities and women, often do not display affirmative action in the composition of their administration and faculty. The effect of the Bakke case on faculty hiring is indirect, yet the acceptability of the academic diversity argument may provide justification for voluntary affirmative action programs for teaching staff. In this regard, higher education is more fortunate than other employers, who cannot cite the need for "intellectual diversity" in hiring decisions. The group stressed the need for more female and minority role models in faculty and administrative positions in education -- both in colleges of education and at policy-making levels within the public school system. Schools of education must be proactive in pursuing affirmative action programs in hiring, promotion, and tenure decisions, cautioned some participants. They must be wary of taking the Bakke decision as an excuse to cut back on these efforts.

In considering the feasibility of engineering a "next case" to decide questions unresolved by Bakke, the group learned that such efforts might backfire. The wisest course would appear to be marshalling strong evidence in support of best admissions practices. Suggested was a compendium of case studies at various institutions where the admissions process has resulted in successful attainment of affirmative action goals. The valuable resources of colleges of education should be brought to bear through educational research -- especially to educate the courts on ways of measuring, and the reliability and relevance of hard and soft data in making admissions decisions.

Schools of education have a further obligation to work toward alleviating the problem of educational inequity at its source. Through educational research and dissemination, as well as preparation of high quality teachers, administrators, and counselors for public schools, they can improve learning opportunities at all educational levels. In addition, schools of education must provide adequate counseling to assure that, once admitted, minority students have the best chance possible for success in the profession.

Summary

The Harvard seminar provided a valuable forum for deans and faculty members in schools, colleges, and departments of education to increase their understanding of the Bakke decision and to explore its implications for their own programs. The excellent resource persons, useful publications, and comfortable setting combined to foster an illuminating, wide-ranging discussion of the issues.

The Post-Bakke Policy Conference at the Harvard Graduate School of Education

In addition to the intrinsic and obvious national significance of the Bakke decision, there are particular -- and far-ranging -- implications for schools of education. First of all, schools of education are among the principal sources of training for educational administrators -- especially deans of admission -- who are to a large degree responsible for implementing the Bakke guidelines. Second, the national demography suggests that to prepare best for the significant increases in the number of minority students in schools and colleges, the present trend of enrolling sizable numbers of minorities in educational training programs must continue.

The seminar at Harvard University convened to discuss the Bakke decision quickly moved beyond a discussion of the Court's decision and its historic and present context to a detailed consideration focussing on "consistency in behavior and intent" and, more broadly, on "how to ensure the continued and increased access of minorities into graduate and professional schools."

The issues facing schools of education in light of the Bakke decision are particularly complex because there are relatively few standardized tests which have consistent use and validation among a majority of schools of education. This means that there has been and remains a significant use of qualitative information, information which in some cases may be construed to have "racially conscious" components. For example, many schools of education use experience as a criterion for admission and a minority person teaching at a predominantly minority institution may be at a disadvantage if not permitted to use to advantage that information in preparing an admissions application.

The most difficult issue relates to maintaining significant numbers of minorities in schools of education. As in the past, the education profession remains a catalyst for women and minorities. Over time, there is proportionally greater representation as teachers can have significant results not only in terms of their own status as professionals, but as role models for others. Thus, there must be sensitivity to sustaining and increasing minority representation. This leads to both practical questions about recruiting and admission, and to abstract questions about characterizing the profession in a manner which makes it challenging and rewarding and thus making it an attractive option.

Since the Court appeared to be inclined to authorize broad discretion by schools in making admission decisions, this is probably not a problem; on the other hand, recruiting which may appear to exclude certain groups may be suspect. Deference to administrators and individual discretion are important tools, but, in the end, there is no certainty that the policy of actively seeking minorities to attend schools of education is wholly consistent with Court directives. That is the problem educators are now facing.

It seems clear that the Court recognizes the authority of educational institutions to continue most recruiting activities developed under affirmative action plans. The current challenge is for institutions to work together to ensure that practice -- on a specific level -- and policy -- on an abstract level -- and adhere rigorously to the Court's prescriptions while working diligently to sustain the momentum of affirmative action.

UNDERGRADUATE PROGRAMS
WELLESLEY COLLEGE
OCTOBER 17-18, 1978

List of Participants

Report Prepared for Summary Conference

COFHE CONFERENCE
ON MARKET RESEARCH AND ENROLLMENT MANAGEMENT

Wellesley College Center

October 17-18, 1978

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Clark Cahow, University of Chicago
Roger Campbell, Northwestern University
Don Dickason, Cornell University
Sylvia Galloway, American Council on Education
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Fred Hargadon, Stanford University
Larry Litten, Carleton College
Jim Rogers, Brown University
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Pat Waters, Mount Holyoke College
Bob Zemsky, University of Pennsylvania

Report on the COFHE Confernce

on Market Research and Enrollment Management

The two-day conference was limited to the senior admissions officers of the thirty members of the Consortium and a few invited guests with backgrounds in budgeting, planning and policy analysis. The format was based on small group workshops focussing on short cases illustrative of the admissions problems and concerns which will be facing the COFHE membership in the 1980's. The work-groups were each charged with developing a list of issues which they felt needed further research and the specific data items needed for admission planning and enrollment management. The COFHE discussions were focussed on two major themes:

o The complex relationships between admissions planning, policy and practice; in particular, how these will change with the changing demographics of the traditional applicant pools and in a generally tightening economy.

We were very concerned with the isolation of admissions practitioners from the planners and policy-makers in colleges and universities. All too often it seems that admissions planning and enrollment management become merely an extrapolation of "now" rather than the product of conscious planning and strategy based on good data. We also discussed how the hard choices between enrollment, financial aid, increasing fees and maintaining quality might be made.

o The profile of the high ability college market and the state of our ability to plan admissions and manage enrollment in the face of increasingly conflicting trends and traditional institutional goals and objectives.

We begin with a review and discussion of the data on the various demographic trends and then explored how we might respond to the changes which the current data predict. We discussed the issues of minority admissions as one aspect of the larger enrollment dilemma. Among the areas of concern which emerged from the conference discussions were:

-- The need to focus more attention and national concern about the decline in the quality of the secondary schools (particularly urban schools)

-- The need to develop hard data on the nature, cost and adequacy of the transitional and support resources for educationally disadvantaged students admitted to our schools.

-- The need to better understand the size, depth and nature of the current student market as a base for developing strategies for recuiting the classes of the late 80's. We discussed the need for research on specific market segments and the development of a data base which will allow us to project the impact of various possible admissions policies and stragegies on our institutions and on others.

-- The need to be more conscious of the secondary impact of changes in our admissions policy or recruiting stragegy. We agreed that the decreasing size of the traditional pool will result in greater overlap of markets and that admission efforts for the high ability students become more focused. We felt this concern for the ethics of admissions could become an even sharper issue with respect to minority recruitment.

COLLEGIATE SCHOOLS OF BUSINESS

NORTHWESTERN UNIVERSITY

DECEMBER 14-15, 1978

Agenda

List of Participants

Report on the Conference

POST-BAKKE SEMINAR ON ADMISSIONS POLICIES FOR GRADUATE SCHOOLS OF BUSINESS AND MANAGEMENT

December 14-15, 1978
Graduate School of Management
Northwestern University
Evanston, Illinois

Co-Sponsored by the American Council on Education and the American Assembly of Collegiate Schools of Business with funds provided by the Ford Foundation

Thursday
December 14, 1978

Morning - Arrive at North Shore Hilton Hotel, Skokie, Illinois

12:00 noon - Bus leaves from main entrance of hotel for Northwestern campus

12:30 p.m. - Lunch, Norris University Center, Rm. 2A

2:00 p.m. - Meetings begin in Leverone Hall, Rm. 6-108

Brief presentations will be made by:

Donald P. Jacobs, Dean, Graduate School of Management, Northwestern University
Robert O'Neil, Vice President, Indiana University
John Snook, Assistant Dean for Student Affairs, University of Virginia

followed by discussion.

5:00 p.m. - Cocktail Reception, Leverone Hall, 6th floor

6:00 p.m. - Dinner, Norris University Center, Rm. 2A

7:30 p.m. - Bus leaves for North Shore Hilton Hotel

8:00 p.m. - Informal get-together at hotel

Friday
December 15, 1978

7:30 a.m. - Bus leaves from main entrance of hotel for Northwestern campus

8:00 a.m. - Breakfast, Norris University Center, Rm. 2A

9:00 a.m. - Meetings in Norris University Center, Rm. 2E&F

12:00 noon - Lunch, Norris University Center, Rm. 2A

1:30 p.m. - Bus leaves for North Shore Hilton Hotel

POST-BAKKE SEMINAR ON ADMISSIONS POLICIES FOR GRADUATE SCHOOLS OF BUSINESS AND MANAGEMENT

December 14-15, 1978

Graduate School of Management
Northwestern University
Evanston, Illinois

Co-Sponsored by the American Council on Education and the American Assembly of Collegiate Schools of Business with funds provided by the Ford Foundation

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Report on

POST-BAKKE SEMINAR ON ADMISSIONS POLICIES FOR GRADUATE SCHOOLS OF BUSINESS AND MANAGEMENT

Nineteen representatives of eleven schools of business, the AACSB, ACE and industry met at Northwestern University on December 14 and 15, 1978. A list of attendees is appended.

A brief review of the report of the ACE-AALS Committee on Bakke entitled, "The Bakke Decision: Implications for Higher Education Admissions", which had been provided for each participant, and a short presentation on behalf of the business schools were made. The discussion following covered various points raised in the report.

It was pointed out that business school admission criteria probably are not quite the same as those of medical schools, in that business schools probably consider a broader range of criteria in making admission decisions than do the medical schools that rely heavily on grades and test scores. There was a suggestion that a purely random selection process might avoid legal difficulties. One point raised was that a non-racial factor considered in certain admission processes could have a highly selective racial effect. If consideration of a non-racial factor in admission procedures produced a particular racial mix, e.g., an all-white class, would this procedure be vulnerable to a legal test?

It was pointed out that equality of opportunity and equality of results are not the same. This led to a discussion of the problems of physically handicapped individuals for whom special provisions are made on an individual, rather than a group, basis.

Various methods of increasing numbers of minorities in graduate business programs were discussed, including an increased amount of financial aid, and various practical aspects of admission procedures to ensure greater minority representation. The point was made that businesses are being pressured to hire more minorities and they in turn are putting pressure on the schools to provide well-trained candidates. The businesses, however, are not disposed to tolerate long lead time needed to produce these people. The problem reaches farther down the educational ladder. Discussion turned to what level we need to aim at in making minority people aware of business opportunities and educational programs, how this can be done, and what resources are to be used to provide the information. There is also the problem of competition for the same students, and the question of whether business schools can increase the pool of applicants or merely influence students away from other interests. Black students, for example, have tended to be in social sciences, law, and medicine, rather than business.

The example of a national program to get more minorities into engineering and the possibility of such a program for business was discussed.

It was pointed out that there are two different types of minority groups: those who have been in undergraduate business programs and have gone to work directly after graduation, and who perhaps want part-time study, and those who are going on to full-time graduate work directly after graduation. The question was raised: can we increase the pool by trying to attract some of those in the first group away from their jobs into full-time study.

The admissions forum was suggested as a tool for disseminating information. There are also the benefits to graduate schools from undergraduate admission and guidance systems whereby students get information on graduate programs. The high school guidance and counseling systems also help in this way and there is the growing use of recent graduates in recruiting other students and in performing as role models.

The question of whether or not we have found out what the black and other minority communities think was raised. There were no minority representatives present at the meeting.

The problem of financial aid and admission policies was discussed at length. A report on "Bakke: The impact on fellowships" by Robert O'Neil of Indiana University was distributed to participants (copy appended). The report outlines five situations regarding financial aid and these were discussed in terms of their implications for graduate schools of business. The problem of employment of students, for example, as teaching assistants, has not been addressed, but it will probably be clarified after the decision on the Kaiser Aluminum case is made.

Differences between public and private institutions in their use of funds and their admission policies were pointed out. The importance of the percentage of total aid money being used for minorities in supporting certain financial aid programs was also discussed. There was discussion of one-year versus two-year financial commitments to students. The suggestion was made that scholarships awarded on the basis of race should be reviewed and re-awarded or renewed on the basis of other criteria if possible. The changing financial needs of students in the second year of a 2-year program need to be looked at. The power of financial aid to make admission policies work was considered. The various sources of financial aid aside from scholarships need to be explored; i.e., make use of loans, corporate donations, etc.

The suggestion on page 23 of the ACE-AALS report on "The Bakke Decision" that schools might wish to consider adopting a written description of admission processes, standards or criteria, was considered. It was suggested that any schools having such a document might circulate such to other interested admission officers.

Discrimination against students who are handicapped by factors other than race, and the financial responsibility of the school to support a physically handicapped student in various ways, were discussed.

The role of AACSB in providing information, and support for, various programs was outlined briefly.

COLLEGES OF VETERINARY MEDICINE

WASHINGTON, D.C.

NOVEMBER 1-2, 1978

Report including agenda and list of participants

(Papers by S.B. Burbank and G. Gurney will be found under section "Papers Specially Prepared for the Conferences")

REPORT
OF
THE
WORKSHOP CONFERENCE
ON
MINORITY REPRESENTATION IN VETERINARY MEDICINE

Dupont Plaza Hotel, Washington, D. C.

November 1-2, 1978

Sponsored By

The Association of American Veterinary Medical Colleges

The American Council on Education

The Ford Foundation

Donald A. Abt, V.M.D.
Chairman, Committee on
Minority Affairs, A.A.V.M.C.

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Participants

II. The Bakke Decision: The Legal Ramification
Stephen B. Bu[illegible]nk, Esq.

III. The Issue Before the Court: Who Gets Ahead in America?
Beyond Bakke - What Future for Affirmation Action?
McGeorge Bundy (*Atlantic* Magazine Articles: Not Included)

IV. The Black Exclusion of Veterinary Medicine
Gerald Gurney

V. Report of the RECRUITMENT Workshop

VI. Report of the ADMISSIONS Workshop

VII. Report of the RETENTION Workshop

VIII. Trends in Minority Affairs at Schools of Veterinary Medicine,
Committee on Minority Affairs, A.A.V.M.C.

Report of the
Workshop Conference
on
Minority Representation in Veterinary Medicine

This conference presented an important opportunity for representatives from all schools of veterinary medicine in the United States to gather and exchange ideas and experiences relating to minority representation in veterinary medicine. The need for such a conference was articulated at the annual meeting of the Committee on Minority Affairs of the Association of American Veterinary Medical Colleges (A.A.V.M.C.) in July of 1978 and made possible through the efforts of the American Council on Education (A.C.E.) with funds provided by the Ford Foundation. Appendix I consists of the agenda followed during the conference and a list of the participants. All participants received from A.C.E. a copy of "The Bakke Decision: Implications for Higher Education Admissions", edited by Wayne McCormack to aid them in their conference discussions.

The conference was highlighted by presentations of Stephen B. Burbank, Esq., General Counsel, University of Pennsylvania and Dr. Kenneth S. Tollette, Director of the Institute for the Study of Educational Policy, Howard University. Following Mr. Burbank's paper on The Bakke Decision: The Legal Ramifications, conference participants were assigned to three study groups to address specific problems encountered in veterinary medicine -- RECRUITMENT, ADMISSIONS, and RETENTION. Group leaders for each topic area led detailed discussions of the problems and experiences encountered at each of the schools as they related to the legal ramifications of the Bakke Decision. The groups reassembled midway through the conference for the presentation by Dr. Tollette on The Exclusion of Veterinary Medicine as a Serious Career Choice by Minority Students -- Fact or Fallacy? Additional intragroup discussion followed this talk as the members related these thoughts to the same topic headings. The conference was brought to a close with a plenary session at which the group leaders presented summaries of the discussions. Detailed reports were prepared over the next several weeks to serve as appendices to this formal report of the Workshop Conference.

PRESENTATION BY STEPHEN B. BURBANK, ESQ. (APPENDIX II)

Mr. Burbank presented a synopsis of the Bakke decisions and corrected many of the erroneous impressions conveyed by the media. In summary the Supreme Court held that:

1. Two-track admissions programs like the one at the University of California-Davis are illegal and

2. Race and ethnic origins may be considered in the admissions process.

Mr. Burbank made four specific recommendations to be followed by admissions committees. First, admissions committees should be conversant with the Bakke Decision and its implications and should consult counsel for advice. Second, admissions committees should state clearly and candidly the qualifications of applicants that will be considered in the admissions process. Third, if a race conscious admissions program is to be pursued, then the purpose for it should be articulated and reviewed with counsel. Fourth, the admissions process should be committed to written form.

The papers by McGeorge Bundy referred to by Mr. Burbank are provided in Appendix III.

PRESENTATION BY DR. KENNETH S. TOLLETTE

Dr. Tollette summarized for the participants his views and experiences which related to the apparent exclusion of veterinary medicine as a serious career choice by minority students. In his presentation Dr. Tollette reviewed the reasoning used by many to justify a lessened effort in the area of affirmative action and saw these excuses as factors impeding minority students from seeking particular career goals.

Considerable emphasis was placed upon the importance of solid role models within the schools and colleges in addition to their presence in the general society. These role models can be a major factor in steering more minority students into the natural sciences. Dr. Tollette also expressed the view that Black Institutions are essential because:

1. Thriving Black Institutions provide models of success,
2. They provide congenial social settings,
3. They provide transitional enclaves without destructive competition,
4. They insure against a decreased interest in Black Education, and
5. They provide educational and economic leadership.

A paper by Gerald Gurney entitled "The Black Exclusion of Veterinary Medicine" is provided in Appendix IV.

WORKSHOP REPORTS (APPENDICES V, VI, VII)

RECRUITMENT

A major recognition of the participants was that recruitment is a passive activity at many veterinary schools. This stems from a perception that no discrimination seems to exist -- a perception which is probably inaccurate, due to neglect and a lack of affirmation. Our schools have tended to act independently and in isolation, in part as a result of the fact that admissions and hence recruitment follows regional geographic lines. Under-representation of minorities in the profession must be seen as a national problem because of the samll size of the profession and present applicant pool. Effective recruitment requires cooperative efforts, sharing of information between the schools and development of adequate resources to underwrite effective programs. In the past, recruitment efforts have been short lived, and have failed to increase the national image and visibility of the veterinary profession among minorities. Creation of standardized recruitment materials, pooling of individual resources and a reaffirmation of the commitment of the colleges of veterinary medicine to an increased representation of minorities are perceived as essentials in fulfillment of these goals.

It was the consensus of the members of this group that recruitment was doomed to failure unless faculty members were sensitive to problems in admission and retention. Faculties must examine carefully their selection processes to be sure that they do not inadvertantly freeze out minority applicants.

ADMISSIONS

It was the clear opinion of the conference participants that the admissions policies of each veterinary school should not only recognize the desirability of having an ethnically diverse student body but also that admissions committees should consider the minority status of an applicant to be an important plus in seeking to admit a diverse class of students.

With regard to the admissions process itself, a number of factors and procedures that might discriminate against minority applicants were discussed. These included: the value placed on standardized test scores, the emphasis placed on the interview, the lack of flexibility in the admissions requirements and the undue weight given to high grade point averages.

RETENTION

Retention of minority veterinary students was perceived to be an important problem although no information is available about attrition rates of minority students. Retention was felt to be a potentially difficult problem in the "traditionally white" veterinary schools with only a handful of minority students.

Retention was discussed from three aspects: Academic, Financial and Socio-Cultural. It was the strong consensus that the academic difficulties of most minority veterinary students were usually related to problems other than ability and included socio-cultural adjustment, financial problems, and difficulties in adjusting to the heavy academic workload of veterinary school. It was emphasized that counselling and tutorial supports should be readily available and that each school should devise an "early warning system" to identify students in academic difficulty and help uncover underlying problems. Creation of resources to provide direct grants in aid to needy students was considered essential in order to reduce the cumulative debt burden and bring it in line with the earning potential of the veterinarian.

PLENARY SESSION

Among the many important topics examined during the conference, particular emphasis was placed upon certain items which seem to apply to all schools of veterinary medicine. Therefore, the recommendations of the Conference will be sent to all veterinary school Deans and to the President of the A.A.V.M.C.

Specifically, it is recommended that:

1. a National Coordinator of Minority Affairs shall be appointed;

2. each school or college of veterinary medicine shall appoint at least a part-time Coordinator of Minority Affairs;

3. the Committee on Minority Affairs of the A.A.V.M.C. shall continue to meet yearly at the expense of their respective schools. It was further agreed that such meetings should be at least a full day in length (held at

the time of the annual A.V.M.A. meeting) for the purpose of regularly reviewing our programs and data dealing with minority representation in veterinary medicine;

4. there should be established tighter linkages between persons dealing with recruitment and those handling admissions;

5. readily discernable evidence that the institution has a real commitment to increasing minority representation within the profession be established;

6. admissions procedures be examined carefully to correct any overt or covert procedures which lead to discrimination;

7. the true impact of the Bakke decision should be made known to administrators who make policy decisions for their schools; and

8. the comparative data from the last three years surveys dealing with minorities within the schools and colleges should be distributed with this report. See APPENDIX VIII.

APPENDIX I

A.A.V.M.C.-A.C.E.
WORKSHOP CONFERENCE
ON
MINORITY REPRESENTATION IN VETERINARY MEDICINE

DuPont Plaza Hotel, DuPont Room, Washington, D. C.
November 1-2, 1978

Agenda

November 1, 1978

12:00-1:30 P.M. Luncheon - Main Dining Room

1:30-2:30 P.M. The Legal Ramifications of the Bakke Decision

Stephen B. Burbank, Esq.
General Counsel
University of Pennsylvania

2:45-5:30 P.M. Workshop Sessions

(Participants divided into three groups to address the specific problems of RECRUITMENT, ADMISSIONS AND RETENTION.)

Examples of Workshop Topics

1. How should veterinary schools properly take race into account during the admissions process?
2. How can the total pool of minority applicants be shared legally by the schools of veterinary medicine?
3. How do we unintentionally discriminate against minority applicants with our current admissions policies and how can this be identified and overcome?
4. What are our responsibilities for developing an aggressive recruitment program?

6:00 P.M. Cocktails and Dinner - Dupont Room

7:30 P.M. The Exclusion of Veterinary Medicine as a Serious Career Choice by Minority Students -- Fact or Fallacy?

Dr. Kenneth S. Tollette, Director
Institute for the Study of Educational Policy
Howard University

A.A.V.M.C.-A.C.E.
WORKSHOP CONFERENCE
ON
MINORITY REPRESENTATION IN VETERINARY MEDICINE

Agenda (Continued)

November 2, 1978

7:30 A.M.	Breakfast - Dupont Room
8:30 A.M.	General Session - Progress Reports from Workshop Sessions
9:00-10:00 A.M.	Workshop Sessions (Same subgroups as on previous day)(Cont'd.) Examples of Workshop Topics: 1. How can we project veterinary medicine as a worthwhile and challenging career to minority adolescents? 2. Why do many minority students exclude the "traditionally white" veterinary schools from their applicant lists? 3. What is meant by a "commitment to minority recruitment" and how can the schools develop and implement such a social position? 4. What are the special social and academic needs and concerns of minority students following admission and how should the schools meet them? 5. How shall the schools respond to the effect of the rising costs of veterinary education upon minority applicants? Are we loosing qualified applicants due to a lack of adequate financial aid?
10:15 A.M.	Presentation of recommendations by the workshop group leaders to the conference participants.
11:00 A.M.	Plenary Session
12:00 Noon	Adjournment

A.A.V.M.C.-A.C.E.
WORKSHOP CONFERENCE
ON
MINORITY REPRESENTATION IN VETERINARY MEDICINE

DuPont Plaza Hotel, DuPont Room, Washington, D. C.
November 1-2, 1978

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APPENDIX V

Report of the RECRUITMENT Workshop

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Dr. Llewellyn C. Peyton
Dean Veryl Switzer

REPORT OF THE RECRUITMENT WORKSHOP

I. The workshop members surveyed current recruitment practices among the eight veterinary colleges represented.

   A. Activities ranged from practically none (or a totally passive program) to aggressive recruitment by veterinary colleges and/or university staff members.

      1. There are few, if any, full time minority recruitment staff members at veterinary colleges. Some veterinary colleges share in the activities of the central university efforts in minority recruitment.

      2. Resources are limited. There are no national resources in the form of grants or contracts used by any of the veterinary colleges represented. There are very few pooled resources (University of Pennsylvania and Minnesota share lists of names of prospective applicants and Tuskegee Institute has offered to share names of minority applicants with other colleges of veterinary medicine).

      3. There is limited knowledge of schools' policies on states and regions served and policies on accepting students from out of the home state or region. (Note: The minority recruitment staff at Tuskegee Institute have published a brochure "Admission Requirements of the Schools of Veterinary Medicine in the United States".)

   B. Recruitment activity ranged from being limited to the state or region served to nationwide effort, in spite of contracts.

   C. Most recruitment efforts are short-term.

   D. The variety of methods used include the following:

      1. Sending informational brochures to advisors and students. These range from pamphlets to 10 page brochures with photographs.

2. Visiting undergraduate colleges, high schools, and junior high schools. These are generally confined to the state or region served, but in the case of some schools constitute a nationwide effort.

3. Inviting prospective students to visit campus to meet faculty and view facilities.

4. Conducting workshops, seminars, and career day activities.

5. Directing correspondence to potential applicants. The names were obtained from (a) high school minority lists, (b) National Achievement Scholar lists, (c) information from minority organizations such as the National Urban League and (d) from colleagues at other veterinary colleges.

II. Following the inventory of current recruitment practices, the committee members discussed the following problems in recruiting and its interactions with admissions and retention.

A. The image of veterinary medicine by society in general needs improving. The image of veterinary medicine by minority applicants in particular is a problem. Dr. Tollett, in his address, identified veterinary medicine as "an obscure or relatively obscure career".

B. The lack of appropriate role models

C. A reliable means of identifying and sharing names of interested minority applicants among colleges of veterinary medicine.

D. The selection process

E. Financial aid

F. Social adjustment to the veterinary college

III. Several recommendations discussed by the committee include the following:

A. The AAVMC and/or the AVMA should produce minority recruitment materials for distribution to all schools. These aids could be used to increase the visibility of veterinary medicine among minority groups and would need to be bilinqual and use identifiable role models. The use of national posters appropriate for the area served is an example of such a recruitment aid.

B. Provide a list of available resources for minority recruitment (example: The film produced by the Coca-Cola Company on minorities in the health professions includes veterinary medicine).

C. Include in routine form letter responses to requests for information, a list of all veterinary colleges and states served by each. Letters received by out-of-state or out-of-region applicants could include some minority applicants who might feel a form letter was simply another means of rejection.

D. Reaffirm college commitment to minority recruitment by hiring personnel to recruit. Such activity would help increase the image of the profession among minorities.

E. Create a standardized recruitment form to facilitate information sharing among colleges of veterinary medicine.

F. Increase the national visibility and image of veterinary medicine among minorities. After considerable discussion, the committee recommended that as a means of demonstrating this national commitment and as a means of aiding recruiters at individual veterinary colleges, the AAVMC hire a national coordinator of minority affairs. This individual would have responsibility for development of resources, preparing contracts and grants, and coordinating activities among the colleges. We feel this national commitment would be far more successful in attracting contracts than individual efforts have been so far.

The committee members discussed several proposals for regular meetings of the Minority Affairs Committee of the AAVMC.

IV. The most comprehensive recommendations are restated here for emphasis. The workshop members recommend:

A. That a national coordinator of minority affairs be hired. This individual could be employed by AAVMC and AVMA and have responsibility for preparation of contracts and grants, the development of resources for minority recruitment, and coordination of minority recruitment efforts among colleges of veterinary medicine. This would demonstrate a national commitment by the veterinary medical profession, particularly in the face of the Bakke decision.

B. That veterinary colleges demonstrate their commitment by their supporting at least a part time staff person for minority programs.

C. That the committee increase our own visibility through regular meetings with some support for a meeting in the spring of 1979. (This topic was discussed by the entire group later in the morning with a majority decision to have a one day meeting prior to the AVMA meeting in Seattle.)

V. General Comment

It was my (OJF) impression that the participants in this workshop group felt that many of the techniques and strategies used in minority recruitment are well known and, in fact, being used. Most persons involved with minority affairs in veterinary colleges have a number of other tasks. Efforts of veterinary colleges to obtain federal grants and/or contracts in this area have not been successful. Significant progress in attracting minorities into veterinary medicine will not be made until veterinary colleges individually and collectively commit sufficient resources to hire adequate personnel to work aggressively in this area.

I cannot overemphasize the important of the selection process and financial aid packages, academic counseling, social adjustment assistance, and other retention efforts to the success of the recruitment program. It was the consensus of the members of this group that recruitment was doomed to failure unless faculty members were sensitive to problems in admission and retention. Faculties must examine carefully their selection processes to be sure that they do not inadvertantly freeze out minority applicants.

APPENDIX VI

Report of the ADMISSIONS Workshop

Workshop Participants

Mr. Robert B. Brown
Dr. H. S. Bryan
Dr. Lloyd C. Faulkner
Dr. Ellis M. Hall, Group Leader
Dr. Roger M. Hogle
Dr. J. P. Newman, Group Leader
Dr. Joseph F. Skelley
Dr. John B. Tasker
Dr. W. Keith Wearly

Report of the Admissions Workshop

How should veterinary schools take race and other factors of disadvantage into account in their admission programs? Some of the ways which race may be taken into account are:

A. Educational benefits that are derived from an ethnically diverse student body. This is one of the strongest points in support of making race a special issue in admissions. The following examples are in support of this premise.

   1. Many of the ideas discussed in the workshop were included in Justice Powell's opinion:

      > In such an admissions program, race or ethnic background may be deemed a 'plus' in a particular applicant's file, yet it does not insulate the individual from comparison with other candidates for the available seats. The file of a particular black applicant may be examined for his potential contribution to diversity without the fact of race being decisive when compared, for example, with that of an applicant identified as an Italian American if the latter is thought to exhibit qualities more likely to promote beneficial educational pluralism. Such qualities could include exceptional personal talents, unique work or service experience, leadership potential, maturity, demonstrated compassion, a history of overcoming disadvantage, ability to communicate with the poor, or other qualifications deemed important. In short, an admissions program operated in this way is flexible enough to consider all pertinent elements of diversity in light of the particular qualifications of each applicant, and to place them on the same footing for consideration, although not necessarily according them the same weight. Indeed, the weight attributed to a particular quality may vary from year to year depending upon the 'mix' both of the student body and the applicants for the incoming class.[2]

      Selection criteria must be reviewed and edited to eliminate items of bias. It was pointed out that leadership potential needs to be weighed very carefully since many minority individuals do not have the same opportunity to demonstrate leadership potential in some university settings because of social and other pressures.

2. The lack of minority role models is considered one big factor militating against them in many school settings. Schools that do not have minority representation in students, internship, residency or faculty positions are more likely to have difficulty in recruiting minorities than those schools with an established track record. Role models in sufficient numbers to be visible is a very important factor in attracting other minorities to the program.

3. Admissions tied in (linkage) with different recruitment programs will help recruitment groups in disseminating the latest information, thus having an impact on the admissions process.

4. In evaluating factors related to disadvantaged, increased reliance on informed impressions is necessary rather than a rigid inflexible system of evaluation.

B. How can the pool of minority applicants be shared legally with other schools of veterinary medicine?

1. Each school representative agreed to make available to others, names of minority applicants for recruitment purposes. Because of the relatively small size of the applicant pool, it was decided that the individuals (school representative) on the minority recruitment committee of the AAVMC will get a release from those individuals and send the names, addresses, and state of residence to Tuskegee Institute (Dr. Ellis Hall), who is serving as a clearing house to distribute the names to all schools of veterinary medicine. The list will serve as a source for possible recruitment contacts by the different schools.

2. Minority applicants identified will be encouraged to apply to several veterinary schools that accept students from his or her state of residence.

C. How do we unintentionally discriminate against minority applicants with our current admissions policies and how can this be identified and overcome?

1. Historical prejudices, real or imaginary are difficult to overcome. Some of the remnants of the exclusionary practices of previously all white schools are still difficult to overcome and if rigorous recruitment efforts are not instituted at these schools, the numbers of minorities seeking admission to these schools is expected to remain very small for a long time to come. Athletic departments in their recruitment of minorities, have set an example for veterinary medicine and other professional areas to follow. We need only to follow their leads in the recruitment of minorities for previously all white schools.

2. The design of some of the interview processes do violence to individuals from small town or rural areas where they may be less likely to have been interrogated, except possibly, at police headquarters. Some individuals are completely unnerved by interview setting.

3. The weight that is placed on certain aspects of the application will weigh heavier on certain applicants than on others, e.g. individuals from the rural areas where smaller schools are the rule with more narrow curricula are less likely to have exceptionally high college grade point averages because of a period of catching up. Some individuals that do not score exceptionally high on the VAT may be among those with some of the other attributes that are desirable.

   Our present system of skimming off the top grade point averages and top test records may not only be doing violence to the minority applicants, but may be changing the direction of the profession.

   It may be that less weight should be added to admission criteria after an individual reached some reasonable level of competence. Placing a premium on the ultra high grade point average may serve no purpose since there is no reported difference between ultra high GPA and high GPA.

4. Fail to build in academic reinforcement programs to provide assistance for students who need it. Many students need assistance from time to time to cope with the rigors of professionsl education.

5. Fail to provide programming to avoid cultural and social shock. It is a very traumatic experience to enter a school or program and cope with the rigors when you are isolated and ignored. In many cases one minority group member is the only such individual in the whole school, which adds to the isolation. The administration and faculty must be sensitive to the needs of disadvantaged students and provide leadership in bridging the social and cultural gap.

D. What are our responsibilities for developing an aggressive recruitment program for minorities?

It is our responsibility to provide opportunities for all segments of the population to be represented in veterinary medicine and not just provide a profession for the elite. There are advantages for the whole population in providing those experiences accrued from a diverse student body.

Leadership in communities comes to a large extent from professional people. The absence of minorities from communities who may be elected to these leadership positions can alter the impact to the opinion and decision making bodies thus having political impact on the community and higher levels.

E. How can we project veterinary medicine as a worthwhile and challenging career to minority adolescents?

The role model approach is probably the strongest factor in projecting veterinary medicine as a worthwhile career for minority students. The role model approach may be used across many strata such as 4-H Club work, FFA organization and linkages between campus recruitment and admissions committees and other organizations with major recruiting emphasis such as the National Urban League, NAACP and others who have a major commitment for service to minority groups.

F. Why do many minority students exclude the "traditionally white" veterinary schools from their application list?

Many students picture some of the traditionally all white segregated schools in the same role as they were during the years when segregation was the law of the land. Most of the "traditionally white veterinary schools" that have any Black students have only one or two such students. The visibility of minorities, therefore, is almost zero. Until such time that "traditionally all white veterinary schools" admit enough minority students to create a critical mass (self sustaining number), a small number of minority applicants is probably to be expected. In order to change the image of some, it would require a sincere affirmative action program over several years with sufficient resources allocated to carry the project out.

G. What are the special, social, and academic needs and concerns of minority students following admission?

Social and academic needs of minority students following admission are many.

Examples:

1. How can they get to know their classmates and instructors?
2. Will their classmates and instructors be friendly or hostile?
3. Will they be able to cope with the subject matter in the environment that exists?
4. Who can they consult if they need academic help?
5. Where can they find housing within commuting distance (walking or riding distance)?
6. Will dormitory living provide extra pressure?
7. How can they find a study partner?

The above questions are some of the special kind of concerns that minority applicants have when they are accepted to some of the previously all white veterinary colleges. Many different approaches may be used to help reduce or eliminate many of the concerns that these students may have. Approaches to the solution of these problems may vary anywhere from a full workshop as was held by one school, to counseling service on a one to one basis. The approach would depend on the number of students, perceived problems and commitment of the school.

H. How shall the schools respond to the effect of the rising costs of veterinary education upon minority applicants? Are we losing qualified applicants due to lack of adequate financial aid?

It is in the best interest of the schools and the society in general to propose legislative action to help people get support to attend graduate or professional education without the high interest rates that are now in force. It seems reasonable that direct federal loans may be made available that would enable an individual to go to professional or graduate school and that it would be paid back at a small percentage of the gross income without taxing that repayment money over the lifetime of the loan.

This process would encourage anyone to seek professional or graduate training. The money would be paid back, the borrower would become a higher tax payer and the economy would be increased.

There are those disadvantaged candidates now who do not have the resources and cannot consider the type and level of pay back that we now have. Some of these individuals choose not to try professional or graduate training because they do not understand how it can be financed and therefore decline admissions.

The whole question about minority entry into veterinary medicine and other professional areas is a complex one rooted in recruitment, admissions, financial aid, and retention programs.

APPENDIX VII

Report of the RETENTION Workshop

Workshop Participants

Dr. Donald A. Abt
Dr. William W. Bay
Dr. John O. Dickinson
Dr. William Graw, Jr.
Dr. Billy E. Hooper, Group Leader
Ms. Pat Lowrie
Dr. H. C. Morgan
Dr. K. H. Niemeyer, Group Leader
Dr. Eric Williams

Report of the Retention Workshop

The group determined that there were three basic aspects to student retention. These were: 1.) Academic, 2.) Financial, and 3.) Social-Cultural. The group further identified three levels at which retention might be dealt with. These were: 1.) Retention and orientation of interest toward veterinary medicine while in high school; 2.) Retention and orientation toward veterinary medicine while in preprofessional programs; and 3.) Retention within the D.V.M. program following admission. The consensus of the group was that the first two areas were a function of recruitment and would be dealt with by the workshop on recruitment. Therefore, they elected to concentrate their discussion and consideration on retention of the student following matriculation into the professional veterinary program. The following identifies the essence of these discussions.

I. Academic Retention - The workshop divided this discussion into five basic areas which are dealt with as follows:

A. Pre-matriculation - The workshop group was aware of at least two pre-matriculation programs. These were the "Early Admissions" program at Tuskegee and the Soar Program which had been operated at the University of Pennsylvania. The purpose of pre-matriculation programs are to provide the student with a running start. The discussion focused on need and legality.

1. In regard to need, there was considerable diversity of opinion as to whether such programs are useful, and if useful, how they should be structured. There was strong feeling that they should not be identified as a "Remedial Program", and it was difficult to visualize how these program would provide training not already available in preprofessional courses. The workshop concluded that there should be no need for a pre-matriculation program, since students are not admitted unless they are qualified to enter the veterinary curriculum. Students not yet ready to enter veterinary school would be counselled into additional course work in the preprofessional curriculum and thus upgrade their performance and potential through regular university courses.

2. There was considerable concern that if a pre-matriculation program were offered, that it would raise serious legal questions. The feeling was that it could not be offered for minorities only, but would have to be offered for all students falling below a defined academic standard. Since the workshop had assumed that the need would not exist, they did not pursue the question of legality further. The consensus was that there is no significant need for a pre-matriculation program.

B. Counseling - The group considered that counseling was perhaps the most important activity in academic retention. Their experience suggested that minority students are less likely to identify themselves in the early stages of academic difficulty and may delay seeking advice until they have serious problems. The experience of the group suggested that this is a pattern which was highly prevalent a few years ago, but may now be disappearing. It was a strong consensus that minority students in veterinary school do not have adademic problems that cannot be taken care of with appropriate counseling. They expressed the feeling that usually the academic difficulty is caused by problems other than intellectual ability and identified marital problems, financial problems, social-cultural problems, and the normal adjustment to a heavy academic workload as being the predominant problems. The group identified the following areas that they would recommend to any school as useful activities to promote academic retention. These were are follows:

1. During the preprofessional program, responsible faculty members meet with first semester preveterinary students and provide clear guidelines as to the preprofessional program and admissions process.

2. A single individual should be identified in the school who can form a warm personal advisory role. The personality of this individual is extremely important, since they should be open, friendly, and readily available. This counselor should be available to both faculty and students.

3. A big brother/big sister concept should be used for first year students. Usually second year students are pleased to play this role, and they can be extremely useful during the adjustments of the first year. It was pointed out that using big brother/big sister veterinary students for minority pre-vet students is also a useful technique.

4. Professional counselors should be readily available to handle specific problems such as financial aids or marital problems. The academic advisor should be sensitive to the secondary issues which may underlie the academic difficulty and provide the student with appropriate help at the earliest possible time.

C. Tutoring of students in academic difficulty. The group felt that as a part of academic counseling the tutoring service should be available. In identifying students who might need tutoring, it was felt that the academic counselor should visit each faculty member teaching in the first year of the program, or the first year teaching faculty should get together at periodic intervals and discuss students. This will provide the early warning system necessary to get the student appropriate help. The group felt that a variety of tutoring resources should be available to the student, and the student should be counselled to use the one most appropriate to them. In this regard the following resources should be available.

1. Student peers. These could be other minority students or minority graduate students willing to assist a colleague.

2. Faculty members responsible for the course would probably offer most routine tutoring, but some may be willing to expend additional effort in areas related to their field.

3. Formal counselors outside the veterinary student body or faculty may be necessary in specific problem cases. It would be useful if the school had a mechanism to support outside counseling.

4. Audiotutorial programs have great potential for student tutoring. It was felt that this may be the best tutoring since the student can do it by themselves in their own time frame. The group felt that there should be some recognition given to the fact that a few students may ultimately fail and the most humane thing to do would be to counsel

them out of the program at an appropriate point in time. Extensive efforts at tutoring or remedial work in one area may well be self-defeating in other aspects of the academic program.

D. Double standard concerns. The group recognized that there has been an image that minority students may be proceeding through curriculum on a standard separate from that of majority students. They recognized that that image might have had some validity at an earlier time but does not believe it now exists. They felt it would be extremely bad if a double standard did exist. The recommendation was that faculty and counselors strongly discourage and not allow any two level admissions, retention or readmissions program.

E. Readmission. The group felt that it would be difficult to separate readmission considerations from the overall aspects of counseling and tutoring. As they discussed the programs of the various schools they found that each readmission request was handled on an individual basis and a great deal of time and attention was given to consideration of student needs and potentional. On that basis, they did not believe a recommendation relative to readmission was necessary.

F. In concluding their discussion on academic retention, the group consensus was that there should be no operation of a minority versus a majority program in any area. They believed that all available resources should be made available to any student who required them. The most essential aspect would be the availability and the personality of the individual identified as director for stude affairs or academic counseling.

II. Economic Retention. While the workshop group visualized this as an important aspect of retaining students in academic, they expressed some frustration over their ability to control this for veterinary students. In most universities, financial aid is handled by a central office and the veterinary schools play a very minor or secondary role in the entire process. However, the group did identify four areas in which veterinary faculty and advisors may play an important role. These were:

1. The institution may actively seek funds to provide grants and aid, which may be given on a discretionary basis to needy students. These grants and aid would be outside those normally provided by financial aid, and would have their major impact in reducing the total debt load incurred by a student during the professional program.

2. When students are recommended to financial aids, there should be a single person identified to deal with professional students. Such a person should have the same personality characteristics as the academic counselor and be thoroughly familiar with the problems of professional students.

3. The group recommended that all loan programs recognize the financial ability to pay back and not tie loan criteria or pay back to unrealistic projections of income. The group expressed strong concern for the Heal Program and the 12% interest rates imposed there under the assumption that physicians would all be rich. A lower economic status of veterinarians compared to medicine and dentistry must be recognized in both loan policy and pay back procedure.

4. The group felt that early communication of potential financial aid support to preprofessional students might be more important than

dealing with financial support to professional students. In this regard veterinary faculty could work through financial aids offices to be sure this information is disseminated to students during their late high school and early college years.

E. The group discussed various types of financial aid, such as loan programs, work-study programs, grants and scholarships, assistantships, and fee waivers. In considering the various types of financial aid available, they believed the greatest potential would reside in increased grant and scholarship support. (This might include fee waivers).

III. Social-Cultural Aspects of Retention - This portion of the retention discussion was based on three principle aspects of the social-cultural arena. These were (A) the need for role models, (B) attitude adjustments, and (C) counseling of student for interaction within the community.

A. Role Models. It is important to have both student and faculty as role models. However, it might be even more important to have individuals outside the college community to serve as a part of this model. These persons would be practitioners, and others in the private sector. They could be used to give lectures, provide employment, and sometimes serve as personal counselors to minority students.

Recruitment of minority faculty is important in fulfilling the role model on the various staffs. In order to obtain these individuals it is more important at this time to recruit well qualified minority, interns, residents, and graduate students to serve as role models and at a later date to become members of the college faculties. It behooves the colleges with large minority enrollments to be willing to identify and encourage these individuals for the various programs in the colleges.

Student role models while important may not contribute as much to retention of minority students as will faculty and staff role models.

B. Attitude. It is difficult for the minority student and sometimes the majority faculty member to adjust as an individual. It is most important, therefore, that counseling be available, not only for the student, but for the faculty involved.

Other individual faculty and faculty groups can provide counseling for their peers and students to avoid potential trouble.

The College must vigorously enforce Equal Opportunity and Affirmative Action Programs.

C. Counseling for Students. Minority Counseling Centers should be used if necessary to provide for cultural shock especially for the preveterinary student. Too these should be used as to provide the student with information on cultural and other events occurring on the campus and the city for both minority and majority students.

Students and faculty should be made aware that professional academic counseling is available to students should the need arise.

Individual faculty and faculty groups should also be available to help tutor the students. Audiovisual aids should be readily assessible to all students.

There should be constant monitoring of all students, so nonacademic and academic problems can be noted early in the students professional career. Academic Deans can be the person responsible for the constant monitoring especially of the veterinary medical students.

APPENDIX VIII

SUMMARY DATA

from

Annual Questionnaire

on

Minority Representation in Veterinary Medicine

conducted by the

Committee on Minority Affairs

Association of American Veterinary Medical Colleges

Trends in Minority Affairs at Schools of Veterinary Medicine

July 1978

Item	1976	1977	1978
Number of students admitted to First Year Classes	1701	1778	1909
Number of minority applicants to Veterinary Schools	444	371	368
Number of minority applicants fully meeting Veterinary School admissions requirements	281	251	283
(Median Value)	(5.5)	(6)	(5)
Number of students in total student body	5770	6262	6623
Number of minority students:			
a) in First Year Classes	82	75	82
b) in Upper Classes	190	210	191
c) in all schools - all classes	272	285	273
d) % in all schools - all classes	4.71	4.55	4.12
Number of Teaching Faculty	1865	1666	1791
a) Number of minority persons on teaching faculties	138	108	105
b) Per cent Minorities	7.40	6.48	5.86
Number of Persons in advanced training positions (Grad. degrees, Interns, Residents)	390	232	349
a) Number of minority persons in advance training positions	42	32	29
b) Percent Minorities	10.77	13.79	8.31
Grant Funds Awarded for Minority Recruitment Programs	$300,000 among 3 schools	None awarded to 7 schools which sought funds	Three schools are seeking funds but results are still pending

WORKSHOP CONFERENCE
ON
MINORITY REPRESENTATION IN VETERINARY MEDICINE

Donald A. Abt, V.M.D.
Colin Johnstone, B.V.M.S., M.R.C.V.S., Ph.D.

Representatives from all schools of veterinary medicine in the U. S. participated in this conference which was highlighted by the presentations of Stephen B. Burbank, Esq., General Counsel, University of Pennsylvania and Dr. Kenneth S. Tollette, Director of the Institute for the Study of Educational Policy, Howard University. Following Mr. Burbank's paper on The Bakke Decision: The Legal Ramifications, conference participants were assigned to three study groups to address specific problems encountered in veterinary medicine -- RECRUITMENT, ADMISSIONS, and RETENTION. Group leaders for each topic area led detailed discussions of the problems and experiences encountered at each of the schools as they related to the legal ramifications of the Bakke Decision. The groups reassembled midway through the conference for the presentation by Dr. Tollette on The Exclusion of Veterinary Medicine as a Serious Career Choice by Minority Students -- Fact or Fallacy? Additional intragroup discussion followed this talk as the members related these thoughts to the same topic headings. The conference was brought to a close with a full meeting of the participants at which the group leaders presented summaries of the discussions. Detailed reports were prepared over the next several weeks to serve as appendices to the formal report of the Workshop Conference.

Recruitment

A major recognition of the participants was that recruitment is a passive activity at many veterinary schools. This stems from a perception that no discrimination seems to exist -- a perception which is probably inaccurate, due to neglect and a lack of affirmation. Our schools have tended to act independently and in isolation, in part as a result of the fact that admissions and hence recruitment follows regional geographic lines. Under-representation of minorities in the profession must be seen as a national problem because of the small size of the profession and present applicant pool. Effective recruitment requires cooperative efforts, sharing of information between the schools and development of adequate resources to underwrite effective programs. In the past, recruitment efforts have been short lived, and have failed to increase the national image and visibility of the veterinary profession among minorities. Creation of standardized recruitment materials, pooling of individual resources and a reaffirmation of the commitment of the colleges of veterinary medicine to an increased representation of minorities are perceived as essentials in fulfillment of these goals.

Admissions

It was the clear opinion of the conference participants that the admissions policies of each veterinary school should not only recognize the desirability of having an ethnically diverse student body but also that admissions committees should consider the minority status of an applicant to be an important plus in seeking to admit a diverse class of students.

With regard to the admissions process itself, a number of factors and procedures that might discriminate against minority applicants were discussed. These included: the value placed on standardized test scores, the emphasis placed on the interview, the lack of flexibility in the admissions requirements and the undue weight given to high grade point averages.

Retention

Retention of minority veterinary students was perceived to be an important problem although no information is available about attrition rates of minority students. Retention was felt to be a potentially difficult problem in the "traditionally white" veterinary schools with only a handful of minority students.

Retention was discussed from three aspects: Academic, Financial and Socio-Cultural. It was the strong consensus that the academic difficulties of most minority veterinary students was usually related to problems other than ability and included socio-cultural adjustment, financial problems, and difficulties in adjusting to the heavy academic workload of veterinary school. It was emphasized that counselling and tutorial supports should be readily available and that each school should devise an "early warning system" to identify students in academic difficulty and help uncover underlying problems. Creation of resources to provide direct grants in aid to needy students was considered essential in order to reduce the cumulative debt burden and bring it in line with the earning potential of the veterinarian.

It was the consensus of the members of this group that recruitment was doomed to failure unless faculty members were sensitive to problems in admission and retention. Faculties must examine carefully their selection processes to be sure that they do not inadvertantly freeze out minority applicants.

DENTAL SCHOOLS

WASHINGTON, D.C.

JANUARY 30, 1979

Agenda

List of Participants

Report of the Conference

IMPLICATIONS OF THE BAKKE DECISION FOR DENTAL EDUCATION

9:00 a.m. - Welcome by Dr. Bruce (AADS) and Dr. Furniss (ACE)

9:15 a.m. - Background of "Bakke" and implications for professional schools - Professor Wayne McCormack

12:00 noon - 1:30 p.m. - Lunch

1:30 p.m. 5:15 p.m. - Workshop

Suggested questions to be discussed -

1. Now that filling a quota to demonstrate good faith in minority admissions has been declared illegal, how can institutions demonstrate good faith in race-sensitive programs?
2. What responsibility has the institution for increasing the pool of qualified minority and women applicants in the field?
3. What real problems are dental schools facing in the wake of Bakke?

5:15 p.m. - Closing Remarks

5:30 p.m. - Dinner

BAKKE CONFERENCE

Participants

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Speaker

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Report of the American Association of Dental Schools Post-Bakke Conference

Michael J. Dyer, J.D., Chairman

On January 30, 1979, the American Association of Dental Schools held a conference on the implications of the Bakke decision for dental education. In attendance were approximately twenty persons including deans and assistant deans of ten dental schools, admission officers from two dental schools, a representative of the Council on Dental Education of the American Dental Association, AADS staff, and a representative of the American Council of Education. In addition, Mr. Wayne McCormack, associate dean and professor of law at the University of Utah College of Law, served as speaker and resource person.

After Mr. McCormack presented a brief summary of the findings of the Supreme Court in the Bakke decision, discussion was focused on the problems and effect of the decision on dental school admissions. The importance of dental schools' ability to clearly identify objectives and demonstrate how their admissions programs address these objectives was emphasized. This is in light of the Court's indication that the legality of any given admission plan would be measured against articulated objectives. The way that the school conducts the program must be tailored to its purposes. Therefore, the school should adopt a description of its admission process, its standard for criteria, the objectives of its approach and the data to support each objective.

Mr. McCormack then made reference to Justice Powell's opinion relevant to the capacity of Congress and State legislatures, as well as the judiciary, to make findings of past societal discrimination. This implies an opportunity for institutions to turn to the political process for the necessary findings of past discrimination and appropriate remedies.

As discussion concentrated on particular problems of dental schools in light of the Bakke decision, the conference participants noted that dental schools have always had a very small pool of minority applicants (particularly qualified minority applicants) and this pool is shrinking similar to the current general decrease in applications. Several observations were made about this phenomenon.

First of all, the participants agreed that the criterion of what constitutes a "qualified" applicant would likely vary from institution to institution. This discussion led to the broader issue of whether dental school admissions constitute a selective process or a predictive process. Although there seems to have been gradual shifting towards the former process, there are still both selective and predictive elements involved in dental school admission. It would appear that the selective process would best address the goal of diversification in admissions and achieve the most desirable effect.

Participants then identified the need for recruitment efforts because of the decrease of applicants to dental schools from all sectors, but particularly from minority communities. This decrease in the applicant pool was attributed both to the lack of information about the dental profession, and to the increasing expense of dental education. It was agreed that recruitment efforts should be targeted to both college and high school students. The rationale for this approach is to acquaint students with the dental profession at an early point so that they might be able to make a more informed choice of professional careers and have a better opportunity to prepare themselves academically.

Recruitment could be accomplished through the professional practice community, through school counseling programs and through preprofessional advisors. The private dental practitioner in the community is important because he or she is usually the primary contact that an individual has with the dental profession. Efforts to encourage the continued recruitment on the part of dental practitioners should be intensified.

On the high school and college level, counselors and students could be brought into dental schools so that they might observe first hand what dental education and dental practice are all about. The counselors would be better equipped to discuss the nature of the practice of dentistry and therefore could more adequately advise their students as to the possibility of pursuing a dental education.

Preprofessional advisors should be more aware of the selective factors in dental school admissions. They should also know the types of students that the various individual schools are seeking.

Such a comprehensive program would have to be long term, because follow-through is necessary from the point of initial contact until the student makes a career choice, some years later. One dean commented that these programs are quite costly and the group believed that a federal package providing funds for recruitment might be appropriate. Currently there is a lack of funding for recruitment and when such funds are available they are frequently taken from other activities. Any federal funds available for such programs should be on a long term basis because project grants all too frequently are terminated just as the program gets off the ground.

In addition, a number of participants strongly supported the recruitment of minority students into postdoctoral programs and specialty areas, such as orthodontics where there is an acute shortage of minority practitioners. This would serve two purposes. First, it would provide more minority practitioners in the specialties. In addition, it would hopefully increase the number of minority faculty members in dental school specialty programs.

Another problem which exacerbates recruitment difficulties is the general lack of student assistance funds. Concern was expressed that current high interest loan programs available to health professions students discourage many minority applications to dental schools. Many minority students who come from underserved areas cannot be expected to return to those areas as practitioners when they face debt management problems upon graduation. The criteria for eligibility for those programs which would benefit these students the most (health profession student loans and exceptional financial need scholarship) contain definitions of "exceptional financial need" that are so restrictive as to exclude a great number of students who have some, but extremely limited resources. In order to receive financial assistance, these students must turn to the Health Education Assistance Loan program, which does provide loan money to students, but at exorbitant interest rates.

The alternative to the HEAL program is the National Health Service Corps. Those students that participate in the National Health Service Corps scholarship program are foregoing training in specialties that lack minority practitioners. Thus, a potential applicant in reviewing the options available to him for assistance would certainly be discouraged from seriously considering dental school as a practical choice. Student assistance should be expanded so that the prospect of dental education is more realistic and attractive to the minority students.

Discussion then centered around the legal implications of two track vs one track admissions systems and special admissions programs in the wake of Bakke. Mr. McCormack believed that the two track system, although seemingly criticized in the Powell opinion, was nevertheless an appropriate way to effect affirmative action in an admissions policy. In other words, a separate special admissions program for minority students might be acceptable if it is clearly in line with the stated objectives of the program. In addition, it must be kept in mind that the Bakke decision required that all applicants be able to compete for all seats in a dental school class.

The question was raised as to whether special tutorial programs for minority students had a "stigmatizing effect" as that term is used in Justice Brennen's opinion. Mr. McCormack said that although it is unclear how a court would view such a program, he felt that according to the general thrust of the Bakke opinion it was permissible to continue this program. Mr. McCormack pointed out in this regard that the court gave much discretion to the academic institutions in formulating permissible objectives.

The participants expressed a general feeling of frustration in their experiences in attempting to formulate admission policies which are in line with the Bakke decision as well as a myriad of federal regulations on affirmative action, non-discrimination on the basis of handicapped, non-discrimination on the basis of sex, and non-discrimination on the basis of age. Schools feel that they are put in a "damned if you do, damned if you don't" position. Mr. McCormack responded that he believed that current admissions practices of dental schools were likely within the bounds of the Bakke decision and could probably be continued with the same emphasis on affirmative action as before. Indeed, he stated that he believed that this could be accomplished through a two track admissions system very similar to the Davis admission program, but he admitted that there was a great deal of disagreement on this point.

Finally, a suggestion was made that it would helpful to have a study conducted on the success of dental practitioners who were identified as "low achievers" in dental schools. The results of such a study might indicate the reliability of traditional models of measuring success of dental students. This information, in turn, could be used to study existing admissions practices.

In summary, the participants concluded that current admissions policies and programs of dental schools were generally acceptable in the wake of the Bakke decision. Nevertheless, it was emphasized that schools should review their admission practices because the majority of the Supreme Court has indicated that special admissions programs must be tailored to serve identified, legitimate general objectives.

In addition, the participants believed that recruitment efforts should be intensified. Recruitment programs should be targeted to high school and college level students. Federal funds should be made available on a long term basis to finance a comprehensive recruitment program.

Student loan and financial assistance programs should be expanded to address the needs of all students.

SUMMARY CONFERENCE

WASHINGTON, D.C.

FEBRUARY 20-21, 1979

Agenda

List of Participants

aamc association of american medical colleges

AAMC-ACE
Post-Bakke Policy Conference
Embassy Row Hotel
2015 Massachusetts Avenue, N.W.
Washington, D.C. 20036
February 20 and 21, 1979
Chancery I & II

We expect to maintain an informal and open atmosphere for discussion. In keeping with that philosophy, we are not planning a formal agenda for the meeting. However, we would like to cover in some depth those topics identified below:

February 20, 1979

1:00 p.m. - 5:00 p.m. *Chancery II*

- Introductory Remarks and Discussion
- Fairness, equity, and legality of admissions in the Post-Bakke environment

6:00 p.m. *Chancery I*

- Cocktails

7:00 p.m. *Chancery II*

- Dinner

February 21, 1979

9:00 a.m. - 12:00 p.m. *Chancery II*

- Problems of Financial Aid for racial minority students
- Pool Size and the future of racial minority participation at all levels of higher education. During this discussion, we will reserve sufficient time for in depth discussion of such critical areas as the enhancement of K-12 education and the non-specific increase of racial minority students prepared academically for a variety of professional and graduate careers

12:00 p.m. - 1:30 p.m. *Chancery I*

- Lunch

1:30 p.m. - 3:00 p.m. *Chancery II*

- Continuation of Morning Discussion
- Other topics
- Wrap-up of meeting

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2/8/79

ACE/AAMC Post-Bakke Policy Conference
February 20-21, 1979

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ADDITIONAL REPORTS

SUPPLIED FOR THE SUMMARY CONFERENCE

Minority Student Opportunities in United States Medical Schools

AAMC Task Force on Minority Student Opportunities in Medicine -- Summary Statement for Post-Bakke Policy Conference

Minority Engineering Effort

National Advisory Council on Minorities in Engineering -- Roster of Members

Minority Student Status in Osteopathic Medical Education: Progress Report

The Impact of the Bakke Decision on the University of Washington's Effort to Provide Equal Opportunities (October 6, 1978)

University of Washington Policy Statement on Admissions

Association of American Medical Colleges

Minority Student Opportunities in United States Medical Schools

The Association of American Medical Colleges (AAMC) is an educational entity which has as its purpose the advancement of medical education and a working relationship with all other programs that are important to the nation's health. Its membership includes all of the U.S. and Canadian medical schools and over 400 of the country's major teaching hospitals, as well as 60 major academic and professional societies with over 100,000 members. In addition, its governing body includes an Executive Committee and Council, a Council of Deans, a Council of Teaching Hospitals, a Council of Academic Societies and an Organization of Student Representatives.

As an educational association representative of members having similar purposes, the primary role of the AAMC is to assist those members by providing services at the national level which will facilitate the accomplishment of their mission. Such activities may include collecting data and conducting studies of issues of major concern, evaluating the quality of educational programs through the accreditation process, providing consultation and technical assistance to institutions as needs are identified, synthesizing the opinions of an informed membership for consideration at the national level, and improving communication among those concerned with medical education and the nation's health. Other activities of the Association reflect the expressed concerns and priorities of the officers and governing bodies.

In addition to major issues concerning the academic medical center, biomedical research, health services, financing of medical schools, educational activities and specifically students' issues as they affect racial minorities in medical education are of great concern to the AAMC.

The Association strongly supports all affirmative efforts of medical schools to provide the opportunity for applicants from racial and ethnic backgrounds to pursue a medical career. The AAMC believes that through this type of diversity of students being trained as physicians, a compelling state interest is being served for it is these students who are more likely to provide medical care to the poor communities in the ghettos, barrios, rural areas, and other sections of the country which are currently underserved.

All medical schools use multiple criteria in selecting students. These include academic achievement in college, Medical College Admissions Test scores, personal written statements by the applicant, letters of evaluation from premedical advisors and faculty, and interviews.

Recognizing that conventional criteria used to assess the achievements of majority candidates are often not applicable to minority students who come from different cultural backgrounds, the Association, in 1973 developed a workshop program to assist admissions committees to become aware of the personal qualities and life experiences which are likely to predict success or failure for minority applicants. This program which is called the Simulated Minority Admissions Exercise has been utilized by admissions officers and deans through regional workshops where several medical schools have been represented. In addition, the Simulated Minority Admissions Exercise has been provided to individual admissions committees at 20 medical schools in the country

The Supreme Court decision that race can be used as one of the factors in the selection procedures reaffirms the medical schools' interest in maintaining a flexible admissions process to allow for personalized evaluations of applicants and in this regard, we see little effect on the schools' affirmative action programs.

Since 1969 the Association has annually circulated to all schools a list of individuals who have voluntarily identified themselves as disadvantaged minorities. This medical minority applicant roster (Med-MAR) is generated through the Association's centralized application service.

Biennially, a volume describing each school's minority program is published and circulated. Minority Student Opportunities in U.S. Medical Schools provides two pages for each school to describe its special effort and programs for disadvantaged minorities.

In the years 1968-69 to 1974-75, the number of underrepresented minorities (Black American, Mexican American, American Indian, Mainland Puerto Rican) rose in first-year classes from 292 to 1,473. However, despite the efforts of the medical schools and the encouraging early statistics, it has become evident that major problems in recruitment and retention of minority students have developed and are persisting. By 1976-77, a declining trend in first-year admissions of minority students became evident when the number dropped from 1,743 in the previous year to 1,400. A more alarming factor may be that there has been no substantial increase in the minority applicant pool since 1973, when it leveled off at slightly over 3,000 per year.

AAMC statistics for 1978-79 indicate that first-year minority enrollments have suffered yet another decline to 1,446 (8.7 percent) from 1,450 (8.9 percent) for the previous year. Furthermore, no indication of an increase in the size of minority applicant pools can be foreseen in the near future.

The AAMC has attributed a number of barriers to the declining trend in minority medical schools enrollments over recent years. Among these are the lack of financial aid to medical students, especially in light of rising tuition costs, legal issues, premedical advising and counseling, retention, and academic adjustment of minority students. Most recently, the shift in federal programs from awarding loans and scholarships on a financial need basis to awarding them to any student regardless of their financial status has had an adverse effect on minorities and other economically disadvantaged students because a greater percentage of these students come from low-income families.

The AAMC Task Force on Minority Student Opportunities in Medicine reported in 1978 that the highest priority be given to increasing the number of qualified minority applicants. The Task Force urged that medical schools and colleges develop programs to identify capable minority students early in their educational careers, improve their knowledge of career opportunities in medicine and enhance their preparation during secondary school and college.

Unless the size of the disadvantaged minority applicant pool expands it is unlikely that the proportion of minority students entering medical school will increase. At the national level the percent of minority students admitted approximates the percentage of majority students admitted from their respective applicant pools. It is assumed that this means that essentially all qualified minority applicants are being accepted, utilizing the broad criteria which schools use in making their admissions decisions.

Association of American Medical Colleges Task Force on Minority Student Opportunities in Medicine - Summary Statement for Post-Bakke Policy Conference

The AAMC Task Force on Minority Student Opportunities in Medicine was established in February 1976. Its charges were:

1. to analyze problems faced by the medical schools in seeking to increase the enrollment of minority students;
2. to assess the problems faced by minority applicants in seeking access to medical education;
3. to evaluate the perceptions of minority students regarding the desirability of a medical career as opposed to alternative careers available to them;
4. to determine how both schools and students have dealt with educational challenges peculiar to students from disadvantaged backgrounds;
5. to review the structure and extent of special programs designed by medical schools to recruit, admit, retain, and graduate minority students and to identify critical elements of successful programs.

In addressing these charges the Task Force identified the following major goals in order of importance:

Goal 1: Increase the pool of qualified racial minority applicants to levels equivalent to their proportion in the U.S. population with progress toward that goal reviewed on a biennial basis.

Goal 2: Enlarge the number of qualified racial minority students admitted to medical school through improvement of the selection process.

Goal 3: Emphasize the importance of financial assistance for racial minority group students pursuing careers in medicine.

Goal 4: Strengthen programs which support the normal progress and successful graduation of racial minority students enrolled in medical school.

Goal 5: Increase the representation of racial minority persons among basic science and clinical faculty.

Goal 6: Encourage the establishment of faculty development programs aimed at fostering an understanding of the history and culture of racial minority groups and at improving the quality of medical school instruction.

Goal 7: Ensure that graduate medical education needs and opportunities for racial minority students are met.

The majority of outcomes deemed desirable both in increasing the number of racial and ethnic minorities in medical school classes and in the practice of medicine are heavily dependent upon the development of the minority applicant pool. Recognizing this situation, the Report of the AAMC Task Force on Minority Student Opportunities in Medicine concluded that the highest priority be given to increasing the size and quality of the minority applicant pool.

The basis for this conclusion was clearly based on the recent alarming trends which show no substantial increases in the applicant pool of minority students already underrepresented in medical education. For example, since 1974 when first year minority enrollments reached a peak accounting for 10 percent of all entering freshmen, the enrollment trend for Black Americans, Mexican Americans, American Indians, and Mainland Puerto Ricans has been on the decline.

In 1976-77, first year enrollment for minorities dropped in absolute numbers from 1,743 in the previous year to 1,400. Again in 1978-79 first year enrollment for those underrepresented groups dropped to 1,448 (8.7 percent) from 1,450 (8.9 percent) in 1977-78.

In view of these factors, the Task Force emphasized the importance of discovering ways to enhance the academic preparation of minority students at the elementary and secondary school levels. The Task Force felt that medical schools' contribution in this endeavor could be provided by the establishment of meaningful relationships with undergraduate colleges and senior high schools in their region to encourage, motivate, and help prepare students from racial minority groups for careers in medicine. As an additional recommendation, the Task Force felt that a comprehensive study of career choices and career perceptions of racial minority students at the high school and college undergraduate levels would be instrumental in the development of effective programs to facilitate this goal.

To enhance the academic preparation of minority students at the college level who are interested in preparing for a medical career, the Task Force recommended the following:

1. The AAMC should furnish the leadership for the development of a transferable model program for the retention and reinforcement of freshmen and sophomore undergraduate premedical students with emphasis on skills acquisition, using the vehicle of relevant studies in human and health sciences (biology, chemistry, and physics).

2. Medical schools should increase their efforts to improve communication with undergraduate advisors, faculty in beginning science courses, and minority program officers at undergraduate institutions.

3. Medical schools should offer a variety of experiences (seminars, guidance and advising, special classes, evening research, etc.) to acquaint high school, undergraduate racial minority students with the nature of medical education.

In order to increase the number of minority students admitted, the Task Force felt that medical schools should continue to modify their admission and selection procedures. Selection processes should take into greater consideration non-cognitive factors in the evaluation of minority students. "As demonstrated by the research of Sedlacek and others, admissions committees can enhance their successful prediction of minority student performance by the assessment of certain non-cognitive information including: self-concept, reaction to racism, self-appraisal, long-range goals, support person(s), leadership experiences, community interest, and medical interest". This theory is advocated by the Simulated Minority Admissions Exercises (SMAE). The SMAE was developed by a group of medical educators as an approach to the selection of nontraditional applicants for medical school classes. Its purpose is to help admissions committees improve their evaluation of nontraditional applicants.

In conclusion, the Task Force felt that there are a large number of barriers which threaten the participation and future progress of minorities in medical education. Not all of these barriers or factors were analyzed separately. However, it was generally agreed that lack of financial support to medical students, rising tuition costs, academic preparation, counseling, retention, the changing federal health manpower policies, and legal issues were part of these obstacles.

Those issues surrounding financial support were addressed in detail by the AAMC Financial Aid Task Force and were therefore not investigated by the Minority Task Force.

In regard to legal issues which have threatened professional schools' affirmative action programs, the Task Force felt that most medical schools had operated their special admissions programs within legally accepted bounds. The recent Supreme Court decision merely reaffirmed their admission committees' interest in maintaining flexible admissions criteria, especially in light of the fact that the decision established that race could be used as one of the variables in admission considerations.

MINORITY ENGINEERING EFFORT

Background

The initial interest in increasing the number of Black, Mexican-American, Puerto Rican and American Indians in engineering was voiced publically for the first time at a meeting in 1972 by a group of industrial and educational leaders. The group expressed concern that minorities, who at that time represented fewer than two percent of the nation's practicing engineers, were not making significant progress in the professional and managerial ranks. The basic problem was seen primarily as one of supply -- there were simply not enough qualified and experienced minority candidates to fill these positions.

Since 1972 when parity in the college-age populations of the four under-represented minority groups was agreed upon as a goal, a growing number of national, regional and local organizations have been developed to address the need for creating more minority engineers. In 1974 the National Academy of Engineering (NAE) created the National Advisory Council for Minorities in Engineers (NACME) which is composed of government, business, educational, technical society and minority leaders. Shortly after the formation of this organization the NAE created the Committee on Minorities in Engineering (CME). In 1975 with the combined support of the Committee on Minorities in Engineering, the NAE, NACME and the National Fund for Minority Engineering Students (NFMES) began operation. The Fund provided grants to students at engineering schools totalling $787,133 during the 1977-78 academic year.

In addition to making contributions to other organizations, NACME industrial members have actively developed their own programs. General Electric for instance has minority programs at 154 of its plant locations. DuPont, International Paper, Exxon, American Telegraph & Telephone and IBM have also been active contributors to this effort. The development and growth of many other program activities has been made possible because of grants from the Alfred P. Sloan Foundation which has contributed approximately ten million dollars to date and is nearing the end of its pledged commitment. Today also approximately one third of the nation's accredited engineering schools have special programs for minorities.

Progress

Minority freshman engineering enrollments have increased 6 percent from 2905 in 1973-74 to 7617 for 1977-78. Currently minorities represent nine percent of all engineering freshmen as compared to five percent in 1973-74. The number of minority engineering graduates has also increased from 1973 to the present though the increase has not been as dramatic as it has been for freshmen enrollees. In 1974 minorities represented three percent of all engineering graduates. The 2003 minority graduates in 1978 represented four percent of all engineering graduates. Greater improvement is expected in this area as more pre-college programs funnel better prepared students into the engineering programs and as engineering schools continue to address the issue of minority student retention. Those involved in this effort attribute these increases to activities that have been developed to encourage and assist minority participation in engineering education.

Current Status in Light of Bakke

The minority engineering effort has not had a forum to date to consider the implications of the Bakke decision as it relates to continued program growth and development. Concern has been expressed by some program directors about the possible implications of the Bakke decision. To date most involved in this effort have felt generally confident that there will be no serious legal challenges to their activities since the effort is primarily focused on an undergraduate discipline that has not traditionally limited its enrollment.

Recently an informal survey was conducted of ten programs at both public and private institutions to gather some preliminary information about how the program personnel view the status of their programs in light of the Bakke decision. The following is offered as information only.

Definition of Minority

Most programs define minorities as Blacks, Mexican Americans, Puerto Ricans and American Indians. In a few exceptions minorities were defined as economically and educationally disadvantaged, or as members of underrepresented groups in engineering education, or in one instance, there was no fixed definition for a minority. In the words of that program director "a minority is whomever we desigante as a minority." Even in those cases where minorities were not specially identified as the racial or ethnic groups that are the point of focus for the minority engineering effort, these groups were the primary or in most cases the sole recipients of the program's benefits. Those programs employing broad definitions were also more comfortalbe that their programs were immune to legal challenge.

Admission Process

In only one instance was there a formally acknowledged admissions procedure which was separate and different from that for the general student body. The other schools surveyed indicated that while there was no official stated procedure which was different, special criteria had been used in selecting minority applicants who did not qualify for entry under criteria established by the regular admission process. These criteria included class standing, test scores and a student's demonstrated determination and motivation.

The director of the program which employed a separate admissions procedure had been questioned by the director of general admissions about this procedure. This questioning had occurred in the past and the program director felt fairly comfortable that it represented no serious threat since there was some administrative support for the program. The ability of all of the programs surveyed to continue having an official or unofficial separate means of admitting minority students was made possible because of support from engineeirng deans and/or other key administrators. These same persons were also generally supportive of the total program effort to insure minority participation at their respective schools.

Admissions Process Cont'd

The difference between the admissions procedures at public and private institutions was slight. At only one state institution with an open admissions policy were there no special admissions procedures. At the other institutions minority students applying through the general admissions procedure were measured by criteria different than that for the general student body if they did not meet regular entrance requirements.

In the private institutions surveyed one of the most notable things about the minority entrance procedures is the fact that there are intensive recruiting and/or early identification programs to insure that these students apply to the programs. Early identification programs are also frequently connected to pre-college program activities at both public and private institutions.

Since the Bakke decision one private institution dismantled its committee which handled minority admissions though in practice the same procedures are still utilized.

Admissions Patterns

None of the program directors surveyed could directly attribute any change in the admissions patterns to the Bakke decision. One state institution indicated that it was receiving more well qualified minority applicants than in previous years. It was felt that this could be attributed to the successful publicity about engineering as a viable career choice for minority youth that has been focused at high school minority students. These students, according to the program person interviewed, in other years would probably have been pre-med majors. In contrast to this, another director at a public institution said that they were admitting approximately the same number of students but they did not appear to be as well qualified as previous years' applicants. In another instance a ceiling imposed on out-of-state enrollment at a private institution this year was seen as seriously affecting the ability of the program to increase the number of minority students for next year's class. At a state institution concern was expressed that the decision this year to increase admission criteria for upper division level programs, which is where a student actually begins his major, will have an impact on future minority enrollment. Another school reported that the issue of a readmissions process at the end of the sophomore year had been discussed at the institution but that faculty were seriously opposed to the idea.

Most of the institutions surveyed to date have experienced a continuing increase in the number of minority students enrolled in engineering.

Additional Comments

There were mixed views as to whether space limitations would ever become a factor of any significance in relationship to minority enrollment. In two instances one at a public and one at a private institution, space limitations had resulted in an earlier cut-off date for admission, and for the public institution, increased criteria

Additional Comments Cont'd

for entry into the engineering department. All but one of the programs surveyed do provide services to any student requesting those services even in those instances when the program is clearly designated as a minority program.

Only one program had received a legal challenge and that was relative to a summer employment component of their minority program. The school lost the suit because they were found to be in violation of Title VI.

Only one program director felt that there was no possible threat of legal action against the program. Others indicated that they had some apprehension about how well their programs could withstand legal challenges.

One program person indicated the most potentially vulnerable aspect of minority programs was the financial aid funds that were specifically earmarked for minority students. In many instances these scholarship funds were the only feature of the program that excluded the participation of non-minority students.

Though the smallness of the sample precludes the possibility of any firm conclusions being drawn, the survey did reveal some significant concerns of the program personnel about the programs relative to their legal viability and the continued good-will support of those within the institutions who have backed the programs to date. Most program people interviewed indicated that they would like to be aware of what was happening nationally in this regard. Additionally most indicated that they would further welcome information based on this overview which would assist them in operating their programs.

AG:gmm
1/15/79

ALPHABETICAL ROSTER

(By Organization)

National Advisory Council on Minorities in Engineering

(NACME)

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MINORITY STUDENT STATUS IN OSTEOPATHIC MEDICAL EDUCATION: PROGRESS AND PLANS

Osteopathic medical education has experienced significant growth within the last ten years. The number of osteopathic medical schools has increased from five (5) in 1968 to fourteen (14) in 1978. Composite student enrollment during this period increased from 1,879 to 4,249.

The American Association of Colleges of Osteopathic Medicine (AACOM), a voluntary membership organization composed of the osteopathic medical schools, initiated a program in 1973 designed to increase the representation of minority and disadvantaged students in the member schools. With support of the Office of Health Resources Opportunity (DHEW), AACOM established an Office of Special Opportunities to administer the program and provide a focal point for related activities in the schools. In 1977, a Task Force on Special Opportunities was established under the aegis of the AACOM Board of Governors. The Task Force, drawing on resources throughout the medical education community, is continuously engaged in assessments of minority student underrepresentation in osteopathic medical schools; and is actively involved in the development of special services in the areas of student recruitment, admissions, and retention. The first comprehensive report of the Task Force (HRA 106-74-184, 1977) contained program models which were recommended for implementation within the osteopathic medical schools.

Since 1973, several osteopathic medical schools have intensified their efforts in the recruitment and enrollment of minority group students. The percentage of minorities in the composite first-year class for 1973 was 3.0. Between 1974 and 1978, minorities comprised an average of 5.3 percent in the first-year classes. Although the actual numbers of minority osteopathic students have progressively increased in the last five years, their percentage representation has slightly decreased due to expansions in class size and paralleling increases in the enrollment rates of majority students.

The AACOM Task Force on Special Opportunities has developed and proposed a multi-faceted approach toward increased minority enrollment in osteopathic medical schools. A primary emphasis is directed at enlarging the minority applicant pool. Through such activities as Osteopathic Awareness Conferences - which are being conducted in several geographical regions - students, counselors, advisors, and the general public are informed of the profession's contributions and potential. Student recruitment and outreach activities are also expected to impact favorably on the size of the applicant pool. Several admissions committees have re-assessed their policies and procedures; and have utilized new devices in assessing qualifications of minority applicants. Each of the osteopathic medical schools have been encouraged to conduct periodic self-studies in efforts to monitor their progress. Through resources of the Association's Health Career Opportunity Program, funded by DHEW, most of the osteopathic medical schools will soon undertake "local initiatives" in the areas of recruitment and admission.

The paramount problem acknowledged by the Task Force is student financial assistance. Increasing costs in osteopathic medical education, coupled with a steadily declining base of student financial assistance (both public and private) is felt to have a potentially destructive effect upon the gained and envisioned progress in the enrollment, retention, and graduation of minorities in osteopathic medical education.

Charles R. Woodson, Director
Office of Special Opportunities
American Association of Colleges of Osteopathic Medicine
January, 1979

THE IMPACT OF THE BAKKE DECISION ON THE UNIVERSITY OF WASHINGTON'S EFFORT TO PROVIDE EQUAL EDUCATIONAL OPPORTUNITIES

A Report of the Ad hoc Committee
to Advise President Hogness on
Bakke

University of Washington
Seattle, Washington

October 6, 1978

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Foreword

On June 28, 1978, the Supreme Court of the United States announced its long awaited decision in Bakke v. Regents of the University of California. Divided on how to address the issues in the case, the Court did not speak with one voice on the legality of the use of race in making admissions selections. Indeed there were six opinions, no one of which commanded the support of a majority. Of the nine justices, five concluded that the admissions program at the University of California Medical School at Davis, in which sixteen seats were reserved for minority applicants, was impermissible in the absence of adequate legislative, judicial or administrative findings. As a result, Alan Bakke was ordered admitted into medical school at Davis. On the other hand, five justices addressing the constitutional issue of special admissions systems agreed that race could be used as a factor in making admissions decisions. However, even these justices did not agree on the circumstances in which race could properly be considered.

Despite these limitations, the Court's decision in Bakke will probably guide judicial review of admissions programs in universities for the immediate future. Recognizing that the Bakke decision was likely to affect the University of Washington's multi-faceted programs for minority and other students, President John R. Hogness appointed this Committee two days after the decision was issued. He asked that we assess Bakke's impact on the University's "approaches and programs designed to provide equal educational opportunities."

Beginning with a meeting ten days after the Court spoke, the Committee has reviewed most admissions programs in the University which seek, in various ways, to meet this institution's commitment to affirmative action in education. This review has involved a canvass of published statements by departments, schools and colleges on admissions policy, consideration of written as well as informal admissions procedures, along with interviews of admissions personnel and others involved in these programs. At the same time the Committee has also studied the Bakke opinions. This process was aided by the availability of a report of the American Council on Education and Association of American Law Schools Joint Committee on Bakke. Fortunately, Mr. James Wilson was a member of both committees. This report borrows heavily from ACE-AALS Committee's analysis and we acknowledge our debt to its report. The writing of this report also involved us in a review of the extensive literature on the relevance of race and ethnicity in admissions and we are indebted to those who have explored the field so carefully before us. In this connection we make special mention of the Carnegie Council's study, "Selective Admissions in Higher Education: Public Policy and Academic Policy." Finally, we acknowledge our gratitude to numerous University faculty, staff and students who have freely provided us with information and responded to our requests for information and assistance.

Introduction

The ultimate impact of Bakke on colleges and universities and the direction which judicial review of race-conscious admissions programs will take in the future cannot, of course, be predicted with certainty just three months after the Court's decision. Only five of the nine justices addressed the constitutional issue and even they were not united.

On the other hand, admissions processes and special programs to provide educational opportunities for minority students cannot be kept in suspense awaiting a definitive legal resolution of all possible questions. Decisions need to be made in light of the Bakke opinions. Guidance is needed as the fall quarter begins. The Committee, therefore, decided to limit its analysis to the impact of Bakke on various admissions programs as they currently operate at the University of Washington. Since the Court limited its focus to the admissions process, financial aid procedures and policies at the University were not reviewed by us. Even within this narrow ambit, difficult questions were raised and our conclusions are necessarily tentative.*

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*Opinions differed within the Committee on the guidance an institution could glean from the Bakke opinions. One could say, for example, that all of the Powell opinion should be considered dicta except that portion which affirms the California Supreme Court order requiring Mr. Bakke's admission to the University of California at Davis Medical School. Or, alternatively, the Powell opinion could be viewed as a statement of the Constitution's requirements since it reflects the minimum affirmative admissions program which five justices would uphold. The Committee, however, agreed that given the public attention focused on the Bakke case and the Court's disposition of it, we should attempt to go further. In addition, our analysis of the impact of Bakke at the University of Washington was also made more complicated by the fact that the Washington Supreme Court has upheld a special admissions program at the Law School as necessary to fulfill the compelling state interest of increasing the number of minorities who are underrepresented because of past discrimination.

I. The Standards Suggested by Bakke

A. Three Views of the Davis Program

Although six opinions were written in Bakke, three views emerged and only two of these provide guidance on whether and how race can be used in deciding admissions to a state university program. One group of four justices, led by Justice Stevens, declined to consider the constitutional issue and contended that the Davis program reserving sixteen places for minority students in its medical school violated Title VI of the 1964 Civil Rights Act. To them the program was contrary to the statutory requirements since Alan Bakke was excluded from admission "because of his race."

An equal number of justices, speaking through Justice Brennan as well as in separate opinions, disagreed. They concluded that Title VI did not impose more stringent requirements than those found in the equal protection clause of the Constitution. The Brennan group further argued that the Davis system of reserving places for qualified minority students did not deny equal protection because (i) the purpose of the program was to remove a disparate racial impact attributable to past discrimination and (ii) the program used race in a reasonable manner without stigmatizing anyone.

In applying these tests, the four justices led by Justice Brennan would have upheld the Davis program because:

> [its] articulated purpose of remedying the effects of past discrimination is...sufficiently important to justify the use of race-conscious admissions programs where there is [as here] a sound basis for concluding that minority underrepresentation is substantial and chronic, and that the handicap of past discrimination is impeding access of minorities to medical school.

Although attention has focused on the Powell opinion which takes a more restrictive view on the use of race in the admissions process, we note that the four members in the Stevens group did not address the constitutional issue. Thus when they do, one or more might join with Justice Brennan to form a majority. On the other hand, it should also be noted that while this result is possible, most observers do not believe it is likely.

Neither group could garner a majority of five votes for its view. Justice Powell, however, agreed with some of the conclusions of each side. In his view the Davis admission program was flawed in its total exclusion of non-minority applicants from consideration for sixteen seats in the entering class. He therefore joined with the Stevens group in ruling that Bakke himself was entitled to admission into the Davis medical school. But Justice Powell did not agree with the Stevens faction that Title VI established more stringent requirements than the equal protection clause of the Constitution or that it barred all use of race as a factor in the admissions process. As a consequence, Powell addressed the constitutional issue and agreed with the Brennan group that race could be used as a factor in admissions--except that under the Powell approach the equal protection requirements are considerably more stringent than the Brennan contingent said.

According to Justice Powell, the use of race in an admissions program could be justified where the purpose was to obtain the educational benefits that flow from an ethnically diverse student body. Diversity promotes a "robust exchange of ideas" which is important to the education of future leaders. From this it follows that the attainment of a diverse student body is a constitutionally permissible goal. Still, after reviewing the alternatives available, Powell was not persuaded that the means used by Davis were necessary. He did not accept the argument that the Davis practice of reserving a specified number of seats in each class for members of preferred ethnic groups was the only effective means of serving this educational interest. In his view, the "diversity that furthers a compelling state interest encompasses a far broader array of qualifications and characteristics of which racial or ethnic origin is but a single important element." Thus, he argued, the program's focus solely on ethnicity to achieve educational diversity was unsound.

In a passage that has been widely quoted as the key to his opinion, Powell went on to describe the kind of admissions program that would meet his view of diversity and, therefore, the equal protection clause's requirements:

> In such an admissions program, race or ethnic background may be deemed a "plus" in a particular applicant's file, yet it does not insulate the individual from comparison with all other candidates for the available seats. The file of a particular black applicant may be examined for his potential contribution to diversity without the factor of race being decisive when compared, for example, with that of an applicant identified as an Italian-American if the latter is thought to exhibit qualities more likely to promote beneficial educational pluralism. Such qualities could include exceptional personal talents, unique work or service experience, leadership potential, maturity, demonstrated compassion, a history of overcoming disadvantage, ability to communicate with the poor, or other qualifications deemed important. In short, an admissions program operated in this way is flexible enough to consider all pertinent elements of diversity in light of the particular qualifications of each applicant, and to place them on the same footing for consideration, although not necessarily according them the same weight. Indeed, the weight attributed to a particular quality may vary from year to year depending upon the "mix" both of the student body and the applicants for the incoming class.

In assessing Powell's views, it is important to note that three other reasons put forward in support of the Davis program were also examined. Powell concluded that of these, one was not permissible and two failed for lack of evidentiary support. Regarding the Davis purpose of reducing the underrepresentation of minorities in medical schools and the profession, he said that this justification was "facially invalid."* The other two reasons--to counter the effects of societal discrimination and to increase the number of doctors in underserved communities--were not adequately supported. Thus, the Davis medical school could not rely on them to justify the racially exclusive system it had adopted. As the Powell opinion explained the requirement: "there is virtually no evidence in the record indicating that [the Davis] special admissions program is needed or geared to promote that goal" of community service.

Under the Powell view two points seem clear. First, the reservation of a specific percentage of the entering class for designated minorities--however the program is labeled--is prohibited. Second, the use of race among other factors in a flexible admissions policy designed to produce diversity in the student body for educational reasons is constitutionally permissible.

The Powell view deserves close attention even though no other justice was willing to ascribe to his position. It states the minimum constitutional position favoring affirmative action in admissions which at least five members of the Court would find constitutional. Thus, admissions programs which satisfy the Powell tests should be safe from constitutional challenge. Admissions programs that rely on educational diversity and supported goals of countering the effects of identified discrimination or of providing services to underserved communities are likely to be viewed sympathetically if challenged. Moreover, the Powell criteria appear to be sufficiently flexible to permit special admissions programs which will assure a substantial minority representation in a student body. For example, the Harvard program, which Powell relied upon as a model, resulted in an undergraduate student body in 1978 where blacks represented 8.1% and Hispanic students constituted 4.6% of the freshman class. One final reason why the Powell opinion may be given close judicial scrutiny in shaping future decisions in this area is the apparent general public attention it has generated.

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*The language used by Powell to describe and reject this purpose is instructive:

> If [the Davis medical school's] purpose is to assure within its student body some specified percentage of a particular group merely because of its race or ethnic origin, such a preferential purpose must be rejected not as insubstantial but as facially invalid. Preferring members of any one group for no reason other than race or ethnic origin is discrimination for its own sake.

B. The Outlines of a Permissible Program

The five justices who examined the constitutional issue agreed that for a race-conscious admissions program to be permissible its structure and operation must be related to the objectives which it serves, although they differed on the degree to which that causal relationship has to be demonstrated. Since we believe that affirmative action in admissions can be related to permissible goals, we outline here a program which, we think, would meet the Powell standards as well as the views of the Brennan group. This outline also reflects other cases, primarily by lower courts, which suggest that fair procedures are a requirement of any selective admissions programs.

In the first instance, such a program requires that each admissions program include a careful statement of its purposes or objectives. These programs need not be uniform; it is the nature of University admissions, as the Court recognized, to vary widely. Discretion is still allowed and decisional authority for specific cases can still be delegated to qualified personnel. Second, the procedures by which applications are processed should be reviewed and generally made uniform for all applicants within a specific admissions unit or program. Special admissions programs applicable to minority students should not be administered so that nonminority students are excluded as a class from consideration in the selection process. Third, the standards or criteria used in making the admissions decision should be articulated. At each point, the methods chosen and the criteria applied should be tailored to permissible objectives. The discussion which follows seeks to amplify what we consider to be necessary.

1. The statement of purposes

Despite the Court's order that the Davis medical school must admit Alan Bakke, the opinions deliberately left colleges and universities wide discretion in constructing an admissions program and in administering that educational policy. Indeed, the opinions by Justices Powell and Brennan went out of their way to emphasize the freedom of a university to make its own judgment as to the educational program it offers and this included the selection of its student body. A school may select its educational goals almost without restriction so long as those outside the group to be served are not discriminated against on the basis of race.

On the other hand, concern over the historical misuse of race in American life led both the Brennan group and Powell to conclude that racial distinctions can be used in carefully circumscribed situations. Thus, it is important where a school or department includes race or racial experience as a factor in its admissions process, that it spell out the goals of the process and indicate why they relate to the educational mission of the university.

Here each particular educational unit making admissions decisions in the University must develop its own justifications. The opinions provide only limited guidance. Quoting from a statement by the President of Princeton University, Justice Powell acknowledged that the use of race in admissions to achieve diversity could be readily established for undergraduate schools: "The atmosphere of 'speculation, experiment and creation'--so essential to the quality of higher education--is widely believed to be promoted by a diverse student body." Relying on an early opinion of the Court in striking a state law school's exclusion of black students, he also recognized that "even at the graduate level, our tradition and experience lend support to the view that the contribution of diversity is substantial."

In drafting such statements, however, departments are cautioned that only four of the justices (the Brennan group) said that they would accept as permissible the other justifications offered by the Davis program--to increase minorities in the profession, to counter the effects of societal discrimination or to serve underserved communities. On the other hand, the Powell opinion rejected two of these goals--that minority students were more likely to practice in underserved communities and that those specially admitted had been victimized by racial discrimination--only because the medical school had not supported its factual assertions with proof.

As this explanation indicates, an affirmative action program for admissions is best positioned to withstand judicial scrutiny when serving a legitimate educational purpose such as diversity in the student body, or if proof can be offered that those being admitted were in fact discriminated against or are likely to serve underserved communities. If other justifications not discussed here are relied upon, they should be causally related to the school's educational mission and, where based on factual assumptions, be supported.

2. The process of decision-making

While the Court did not consider the procedures used by the Davis medical school in deciding admissions, it seems clear that regularity in the admissions process is a prerequisite in order for a university to comply with the legal standards suggested by the Bakke opinions. There is, in addition, well-established authority which, despite a traditional judicial reluctance to interfere with educational administration, suggests that due process (minimum concerns for fairness) requires of schools some evidence that applicants are being dealt with consistently and evenly. Moreover, the Powell concern that nonminorities not be excluded from consideration necessarily requires that all applicants be considered in a similar fashion; otherwise the comparisons are meaningless and opportunities for impermissible preferences based on race could occur.

To the Committee this would appear to mean that once the objectives of the admissions process are established, the process and procedures should be developed so that the admissions criteria (discussed in the next section) are applied in a uniform and impartial manner. Files must be handled similarly; methods should be established to limit the possibility of error; decisions should be made by those qualified to make them. Whether the admissions decision is made jointly by faculty, administrators and students, or some combination thereof, was not directly considered by the Supreme Court. In the Davis program students participated on the committees making admissions decisions. To the extent that such students are included on committees (or for that matter, faculty or staff) entirely on the basis of race or are given particular powers with respect to minority applicants, the process may be vulnerable to attack.

In general, the courts will not interfere or demand special procedures as long as they are provided with some assurance that the procedures are regular and fair and are not being used as covert means to avoid legal requirements. Good faith is presumed in the absence of a showing to the contrary.

3. The articulation of criteria

If a school is to include race or ethnicity among its criteria for admissions, the use of such status and the weight it is given should be clearly stated. We believe that each school or department should identify the factors and judgments it employs in deciding upon admissions. This does not mean that only objective criteria can be used. The case law clearly permits (indeed, encourages) the use of subjective factors and recourse, in the final analysis, to informed evaluations. One advantage of a careful statement is that it can demonstrate, by its terms, how the school has tailored its admissions program to the stated educational goals of the institution.

In designating these criteria and their implementing procedures, it should be recalled that the adoption of a separate system where a designated number of places is reserved for minority applicants and where such applicants are considered by a process distinct from that used for other admissions is impermissible. While neither the Stevens group nor Powell identified the particular features of such an "exclusionary" system which they found impermissible, this approach should be considered only if no alternative exists and even then only with the close assistance of legal counsel who can examine the particular issues involved. Moreover, it remains unclear to what extent a school can use numbers to identify its resource commitment to minorities or to specify the requirements for educational diversity.* Because of the similarity of the two approaches and the possibility of confusion we believe that the indication of numerical targets should be avoided unless required to retain program balance.

Given the prominence of the Harvard College admissions program by Justice Powell, we attach, in Appendix A to this report, the description he appended to his opinion.** For consideration of the implications of various admissions models in light of Bakke, reference is also made to the ACE-AALS report noted in the Foreword.

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*It is interesting to note, for example, that even the Harvard College system pointed to by Powell acknowledged that its goal of "a truly heterogenous environment" could not be assured "without some attention to numbers." After observing that it takes more than a few to change an environment and that a critical mass of minority students was necessary, the Harvard statement concludes:

> Consequently, when making its decisions, the Committee on Admissions is aware that there is some relationship between numbers and achieving the benefits to be derived from a diverse student body, and between numbers and providing a reasonable environment for those students admitted. But that awareness does not mean that the Committee sets a minimum number...who are to be admitted. It means only that in choosing among thousands of applicants who are not only "admissible" academically but have other strong qualities, the Committee, with a number of criteria in mind, pays some attention to distribution among many types and categories of students.

**We are not in a position to determine whether its approach has any relevance for this University but we are persuaded that it should be available to those reviewing admissions programs. For those who do examine this statement, we observe that Harvard's "flexible" system was favored by Justice Powell over the quota-type plan because the applicant "who loses out on the last available seat to another candidate receiving a 'plus' on the basis of ethnic background will not have been foreclosed from all consideration for that seat simply because he was not the right color or had the wrong surname... His qualifications would have been weighed fairly and competitively and he would have no basis to complain of unequal treatment..." It should also be noted that neither the Harvard system nor the Powell opinion placed any significance on the disadvantaged background of individual applicants, except insofar as this factor might show that the school's search for special talent or motivation is part of an overall effort to achieve diversity. In any case, diversity might well require that a school include both advantaged and disadvantaged students in the admitted group. One can, of course, draw distinctions between first professional degree programs, as reviewed in Bakke, and the Harvard undergraduate admissions system described by Justice Powell in his opinion.

II. The University of Washington's Commitment to Affirmative Action

An assessment of admissions policies in light of Bakke first requires a review of current University policies toward affirmative action in admissions. The University has been prominent in this regard, especially because of the focus given law school admissions in 1973 in the case of DeFunis v. Odegaard. There a challenge to the Law School's policy of special admissions for minority applicants failed when the Supreme Court of Washington upheld the school's programs. In that case this state's Supreme Court specifically found that efforts to increase the number of minority lawyers served a compelling community interest and fully met the requirements of the Constitution. On review, the United States Supreme Court declined to rule on the consitutional issue because the challenger was due to graduate from law school that year and the case was therefore moot.

The University's formal commitment to affirmative action was set forth by the Board of Regents in a Resolution on Special Educational Opportunities for Minorities and Women adopted on June 13, 1975. That statement (which is attached to this report in Appendix B) commits the University to providing "special educational opportunities to persons from minority groups which have been historically denied access to higher levels of higher education and to women in those professional academic fields where they have been traditionally grossly under-represented." It directs the graduate and professional schools to implement this goal "by developing, enunciating and implementing admissions policies which are consistent with this need." The Office of Minority Affairs was also directed to support this effort by recruiting minorities and by providing "special educational opportunities" so that qualified minority and women students would apply to the graduate and professional schools.

This policy statement of the Board of Regents is, we think, critical to the University's position on affirmative action in admissions. It should therefore be reviewed and, we think, be rewritten in light of the Bakke opinions. We urge that the basic commitment be renewed and that a clear statement of goals, including the role of minority and disadvantaged admissions, be incorporated. In this regard, the goal of educational diversity, relied upon so heavily by Justice Powell as an appropriate educational purpose, seems a helpful starting point for these programs and should be added specifically as one of the purposes to be served.

A second source of University policy is the Handbook in which governing policy statements and requirements are collected. A review of its provisions provides little guidance on affirmative action responsibilities. The Handbook states the University's scholastic objectives without mention of affirmative action in admissions. Indeed, in discussing the role of the University, it is stated that candidates for a degree program "should be selected on the basis of their potential to complete the program successfully." And "if there is a limited number of places available in a particular degree program, the students admitted should, in general, be those who are most highly qualified on the basis of previous academic performance to complete the program." This language might, in fact, be read as foreclosing most affirmative action in admissions. That this policy statement has not been read either to require or oppose affirmative action is clear, as will be suggested by a review of the various admissions programs in Part III of this report. As other sections of tively few programs seem fully congruent with the Regents' resolution. On the other hand, the ruling and opinions in Bakke, as we interpret them, present few direct challenges to the programs currently being applied--and they can, we think, be cured without substantial alteration of program direction. There are, however, several situations where questions can be raised and where some revision seems appropriate. Our views can best be understood after a selective review of illustrative programs.

1. Undergraduate admissions

Rules and procedures for admission are contained in the University Handbook, General Catalog and Operations Manual. As we understand it, the University, like colleges and universities elsewhere, operates an undergraduate admissions program which permits discretion in a variety of ways. Regular admissions applies to undergraduate students, both freshmen and transfers, who must meet standards generally through a combination of residency, test scores, high school grades, and core courses. Special admissions programs applicable to freshmen and undergraduates apply additional criteria in determining the eligibility for admission of athletes, students with special talents, students without high school diplomas, minorities, and economically disadvantaged applicants as well as those with special needs (currently former inmates, certain immigrants and Southeast Asian refugees). Depending upon the academic qualifications of these applicants, their selection is affected by such factors as ethnicity, athletic ability, special talents or other kinds of promise not indicated by grades or test scores.

Whether the system designed for minority and disadvantaged students in the Educational Opportunity Program (EOP) is racially exclusive and would not meet the standards of the Powell opinion can be debated. It can, for example, be the Handbook spell out, the development of admissions policy is a shared responsibility of the Provost, faculty and various colleges, schools and departments. The University's General Catalog contains similar provisions.

We believe that the University Handbook should reflect the Regent's policy and make a specific commitment to affirmative action in admissions. This statement should contain appropriate justifications consistent with the University's educational mission. It should reflect changes made in the Regents' resolution as well as the guidance offered by the Bakke opinions. We are not proposing any modification in the Provost's shared assignment for admissions policy, although we would recommend that the Provost be assigned responsibility for assuring compliance with implementation of this policy by departments, schools and colleges. In addition to the Board's resolution, there have, of course, been numerous statements by President John Hogness and his predecessor, Dr. Charles Odegaard, affirming the University's commitment to affirmative action in general. These policy statements should be reflected in the University Handbook.

III. A Limited Review of Admissions

Within the time alloted us, we conducted a canvass of all departments, colleges and schools in the University with admissions responsibilities. We examined published policy statements, descriptions of admissions processes, and summaries of affirmative action results. We counted almost 100 different admissions units on campus; we received responses from over 70 percent of them, including all areas with substantial student enrollments. This has permitted us to develop a feel and understanding for the diversity and variety of approaches to affirmative admissions programs in the University. Relasaid that only one admissions process is being used since once selection is determined, admissions are processed by one central administrative unit. On the other hand, it is also true that the criteria for admissions differ for those eligible to be considered under the EOP policy and a separate selection procedure is also used. Thus, those not eligible for EOP admission could be considered as excluded from consideration for these places in the entering class. Moreover, a specified number of places has been set aside as a target each year for EOP admissions.*

A review of the EOP program is currently underway as a part of its general reorganization and in light of the opinions of the Court in Bakke. We recommend that the EOP program submit to the President a description of this reorganization and a statement of proposed changes in its admissions policy, underscoring the ways in which adjustments have been made to assure compliance with Bakke and valid goals of the State of Washington regarding minorities and disadvantaged students (including those described in the Regents' policy).

2. Graduate admissions**

Turning to graduate admissions policies, the University Handbook states that "the primary criterion for admission to the Graduate School is the applicant's apparent ability, as decided by the University, to progress satisfactorily in a graduate degree program." The remainder of the Handbook's statement on graduate admissions focuses on the student's scholastic record minority admissions. Their statements and purposes need the clarification already noted in regard to other policy pronouncements.

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*This numerical target or goal may change during any admissions year because of the makeup of the applicant pool, the number of admitted students who accept or reject the admissions offer or similar resource modifications. This targeting technique or goal-setting is not unique to the EOP program but is also applied in admissions of ROTC students, athletes, students with special talents, etc. Furthermore, the EOP program is not solely organized on the basis of race; its special program also includes disadvantaged students.

**The health sciences are considered in the review of professional school admissions.

In most graduate departments, however, little is said or done beyond the required statement that the University complies with Title VI of the Civil Rights Act and Title IX of the Education Amendments and does not discriminate on the basis of race, color, handicap, national origin, age or sex. Depending on the pressure for admissions and the degree of selectivity involved, departmental practices vary, on the one hand, from little or no attention regarding the admission of minority or disadvantaged students to some concern, on the other. Most departments have no written admissions policies and feel no pressure for minority admissions. Others, unfortunately, seem insensitive to the issues raised by affirmative action in admissions. We found at times a feeling that responsibility for affirmative action in admissions lies elsewhere in the University. Where attention is paid to minority admissions, the focus is generally limited to brochure statements that the department is "interested in considering qualified women and minority students who show clear promise in the field"--and little else. Several make occasional recruitment efforts, others seem a little better organized, and a few offer special preparatory courses. In a few instances minority applications are also reviewed by additional faculty members (who advise the regular admissions committee).

Isolated departments in the Graduate School have adopted vague and indistinct policies and practices which might be called special admissions programs for minority students. These programs were difficult to evaluate without more time. For example one department states that "an attempt is made to see that diverse cultural and academic backgrounds are as well represented as the pool

...allows"--but the specifics of this process and whether it in fact goes beyond this survey response were not ascertained.

The difficulty of cataloging the various approaches taken within the Graduate School is reflected in one instance we uncovered where, according to the department chairman, the admissions policies "make no mention whatever of the possible minority status of applicants" yet there is "an internal departmental policy of allocating at least one TA/RA to a minority student, so long as a qualified person is available." This allocation has been made for the last eight years. If this allocation is tantamount to admission, it would seem to violate the opinions in Bakke. On the other hand, the department chairman's letter to the Committee also notes that "ordinary admissions procedures have resulted in a proportional number of minority students without [the] need for extraordinary measures." Our check of the all-University computer print-out of students, however, shows the department has only 2 percent minority student representation. We thus have the anomalous situation where a department's policy may violate the constitutional standard adopted in the Powell opinion while its admission program seems ineffective in meeting the affirmative policy articulated by the Regents three years ago.

Finally, we note in passing that the Graduate School has two programs which which provide assistantships for minorities (one of which also provides assistantships for women) who are accepted into the various graduate programs. It is said that these programs do not affect departmental decisions to admit or reject students, and if so they raise a question not addressed by the Supreme Court. Nevertheless, we suggest that such programs would be in a stronger position to respond to a legal challenge if they stated (and it can be documented) that this reservation of financial aid funds for minorities and women is necessary for the University to achieve its goals.

3. Professional schools and the health sciences

Because of the twin pressures on admissions of highly motivated applicants with few or no educational alternatives in the state and of faculties concerned with affirmative action responsibilities, the admissions programs in many professional schools reflect close scrutiny, great care and thoughtful consideration of minority programs. After review of these programs and discussion with some of the responsible administrators, we are confident that these schools will continue to review and monitor the administration of their programs. Minor adjustments may be required in some of these admissions programs, and this process has already begun in most departments.

A similar concern is not reflected in all professional and health schools. Several have neither articulated specific admissions policies nor developed programs to recruit and admit minority students. On the other hand, there are a few programs supporting minority admissions which fail to incorporate an educational justification or may be vulnerable to legal challenge on procedural grounds despite ample educational justifications. Regarding the specific programs we reviewed, they generally presented the problems we have already reviewed.

* * *

This review of the University's admissions and related affirmative action programs has concentrated on the variety of problems presented rather than on identifying which schools may need immediate attention or guidance. To select a few schools for illustration seemed unfair, especially when we did not ex-

and indicates that admission is usually recommended by the department or program in which the candidate's studies will be concentrated. No mention is made of affirmative action responsibilities.

On the other hand, Graduate School Memorandum No. 3 (revised June 13, 1975) contains provisions relating to affirmative action in admissions. It notes, first, that priority is based on the degree of the applicant's apparent ability to complete the program "with the highest level of achievement." Admitting departments, however, are also to consider the candidate's potential contribution toward the establishment and maintenance of an appropriate balance of "several ethnic minority cultures and of women." The graduate faculty is further urged to recruit, recommend for admission, and commit resources for underrepresented "persons of either sex or any ethnic minority group." And in reviewing applications, the ninth listed criterion refers to "the applicant's potential contribution toward establishment and maintenance of an appropriate balance of enrollment of graduate students of several ethnic minority cultures and of women."

Whether these statements are internally consistent, fulfill the policy of the Regents' resolution, or meet the standard of the various opinions in Bakke is unclear. Since the exercise of actual decisional authority rests in the various departments and schools, these pronouncements may seem of little moment. But they set a tone, affect departmental actions and reflect both an absence of policy clarity and a diffusion of affirmative action responsibility.

A review of the policies and programs of the dozens of departments with admissions responsibilities in the graduate area reflects similar misunderstanding. A few have adopted specific programs directly addressing amine some department admissions policies merely because their chairmen did not respond to our inquiries. On the other hand, we have collected a substantial amount of information and it is available for review. In addition, four members of the Committee have prepared summaries on the various admissions programs which they reviewed and these memoranda are, we believe, useful guides for further study.

As this report has already suggested, we are persuaded that the Bakke decision has highlighted only one aspect of the University's admissions policy, namely the legality of particular affirmative admissions programs. To assure compliance by any programs which might be viewed as vulnerable to attack is, it seems to us, a demanding but straight-forward task. This does not mean that it should be postponed or avoided. But there is a larger task before the University which our examination persuades us also deserves attention. It is the development of clear and understandable University and departmental admissions policies which are administered openly and fairly in all offices and which include a commitment to affirmative action in admissions. This recommendation is not a Bakke originated suggestion so much as it reflects the pressures of other cases and, more importantly, is based on a responsibility to the state and sound educational policy. Our review has noted the inadequacy of most University, college and departmental admissions policy statements, the failure in most instances to articulate the criteria being applied in deciding which applicants will be admitted, the frequent lack of a program for affirmative action, and the general absence of written procedures by which admissions applications are processed. We urge that steps be taken to respond to this need.

This suggestion may raise some questions about why there should be even

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more policy statements and rules. And we are hesitant in this rule-bound, over-regulated society to suggest additional rules and procedures. On the other hand, in this instance rules are necesary. They would be designed to clarify policy criteria for both applicants and administrators and to provide them with an opportunity to meet and apply these standards. A clear statement of policies and procedures will protect against mistakes and arbitrary actions; correlatively, once stated the school becomes obligated to observe policies and procedures which are designed to protect applicants. They will help assure an effective affirmative action program. As the gatekeeper to economic and social opportunity as well as cultural development, the University has a special obligation to assure that its policies are unmistakable and that its processes are fair. Thus we would urge that admissions policies be clarified at the University, college or school, and departmental levels and that these policies include a specific commitment to affirmative action.

Finally, if these recommendations are to be implemented, some University-wide process must be established to assure that they are in fact carried out--or this report will be just one more futile effort. Admissions policies are, according to the University Handbook, a shared responsibility in which the faculty play a prominent role. To assure compliance with University affirmative action policy, we believe that each school or college should be required to report its progress to the Provost. The development and implementation of admissions policies is a demanding but not overwhelming task. Therefore, we would urge a short timetable. In particular we think a new University Handbook policy reflecting the requirements of Bakke as well as the Regents' commitment could be developed, that all colleges, schools and departments should review and, where necessary, rewrite their policies and procedures, and that a complete compliance review of these policies and procedures should be accomplished by April 15. As this schedule suggests, this is a job that can be completed within the term of the current University Administration.

IV. Development of University Policy

In the preceding Part of this report, we outlined some steps which we recommend be taken to articulate clear yet reasonable University policies on admissions including a commitment to affirmative action as well as procedures designed to assure that each University office with admissions responsibility will in fact carry out that mandate. None of these proposals is startling and with modest effort we believe they can be implemented. In sum, it is our conclusion that under Bakke this University can continue its support of equal educational opportunity.

Perhaps the most difficult task we currently see facing the University is the development of a concise statement of objectives and policies for admissions in general and affirmative action in admissions in particular. We therefore have set forth here our views as to what the University or any admitting unit's policy statement and process should include. While our suggestions are guided by Bakke and especially the opinion of Justice Powell, we do not believe these views should be read narrowly.

It is our united view that an academically admissible applicant's racial and ethnic experience is a relevant criterion for selection. But in order to be academically admissible, all applicants must first indicate through prior educational performance or evidence of educational promise that they are likely to complete the program for which admission is being considered. By racial and ethnic experience, we would include not only the experience of members of racial groups, but also the background of persons raised in non-English speaking homes. We believe that an individual's race or ethnic background is a relevant factor in the selection decision where an individual's racial or ethnic identity reflects unique or unusual circumstances or a promise to contribute to the educational experience of other students.

What we are suggesting, then, is that a successful and lawful admissions program with a serious affirmative action component can best by satisfied by a two-stage admissions process--at least where there are more qualified applicants than the University can enroll. The first, or admissibility decision, should be designed to eliminate from further consideration only those applicants who do not meet the admitting unit's standard of admissibility (which should be set at a level where successful completion of the program is likely). Neither racial nor non-English language experience is relevant at this level.* Once that decision is made, the second stage should focus on the task of selecting the class from this pool of qualified applicants. Here racial or other experience is relevant. It should, however, be applied only pursuant to articulated admissions policies under fair procedures which provide an opportunity for careful review of the files of all applicants.

Implementation of this admissions program sensitive to the University's affirmative action responsibilities would, we believe, include the following policy components:

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*The "two year foreign language requirement" for undergraduate admissions is a separate and distinct admissions criterion.

1) No University or unit's policies or practices may discriminate against anyone because of race, color, handicap, sex, age or religious preference or background.

2) A special and sustained effort should be made to recruit members of groups subject to discrimination.

3) Compensatory education should be available to persons who are members of groups subject to discrimination.

4) Such persons should be provided financial assistance and counseling when needed; financial aid should also be provided to students from low income families with the goal of attracting them in sufficient numbers into the qualified applicant pool.

5) If goals are established against which affirmative action is measured, they should avoid numerical quotas, not be used to exclude nonminority candidates, change over time to reflect modified conditions, and not preclude their being exceeded or unmet from year to year depending on the composition of the pool of qualified applicants in any particular year.

6) All students accepted for admission should meet standards established in accordance with the academic requirements of the college, program or other admitting unit. This academic standard should generally rely on an assessment of prior educational performance or evidence of educational promise (including compensatory assistance). This general admission level should be set at the level at which there is a reasonable chance of the applicant's success in completing the course work or other evidence of program success. At this stage of the process where the question is one of admissibility, race or

other minority status is not a relevant consideration.

7) Race or ethnic background may be a favorable consideration in individual cases in the selection of students from the qualified pool of admissible applicants (as determined under #6 above). Such individual consideration of racial experience is relevant where it a) reflects prior adverse discrimination, b) has contributed to prior educational disadvantage, c) involves direct knowledge of special cultural patterns or experiences, or d) otherwise relates to educational objectives consistent with University policy. Departments and schools may identify other factors as long as they are tailored to specific and permissible educational objectives and, where possible, they should be supported. The use of race or ethnic background in the selection decision should usually be one of several dimensions considered as aspects of disadvantage or adverse discrimination and as indicators of prospective contributions to the diversity and quality of academic experience for other students. In this context individuals from the nonminority backgrounds may also warrant special consideration depending upon their experience.

8) All applicants within an admitting unit or particular program should be processed through the same set of procedures to assure that a comparative evaluation is made, that a diverse and effective student body is selected consistent with University as well as school, college or departmental policies, and that all applicants are evaluated on their individual merits.

9) Each department, college or school should articulate its admissions criteria including those relating to affirmative action.

10) Each college, school or department should be given maximum latitude in exercising its judgment about the admission of individual students, consistent with University policy.

APPENDIX A

Harvard College Admissions Program

For the past 30 years Harvard College has received each year applications for admission that greatly exceed the number of places in the freshman class. The number of applicants who are deemed to be not "qualified" is comparatively small. The vast majority of applicants demonstrate through test scores, high school records and teachers' recommendations that they have the academic ability to do adequate work at Harvard, and perhaps to do it with distinction. Faced with the dilemma of choosing among a large number of "qualified" candidates, the Committee on Admissions could use the single criterion of scholarly excellence and attempt to determine who among the candidates were likely to perform best academically. But for the past 30 years the Committee on Admissions has never adopted this approach. The belief has been that if scholarly excellence were the sole or even predominant criterion, Harvard College would lose a great deal of its vitality and intellectual excellence and that the quality of the educational experience offered to all students would suffer. Final Report of W. J. Bender, Chairman of the Admission and Scholarship Committee and Dean of Admissions and Financial Aid, pp. 20 *et seq.* (Cambridge, 1960). Consequently, after selecting those students whose intellectual potential will seem extraordinary to the faculty —perhaps 150 or so out of an entering class of over 1,100— the Committee seeks—

> variety in making its choices. This has seemed important . . . in part because it adds a critical ingredient to the effectiveness of the educational experience [in Harvard College] . . . *The effectiveness of our students' educational experience has seemed to the Committee to be affected as importantly by a wide variety of interests, talents, backgrounds and career goals as it is by a fine faculty and our libraries, laboratories and housing arrangements.* (Dean of Admissions Fred L. Glimp, Final Report to the Faculty of Arts and Sciences, 65 Official Register of Harvard University No. 25, 93, 104-105 (1968) (emphasis supplied).

The belief that diversity adds an essential ingredient to the educational process has long been a tenet of Harvard College admissions. Fifteen or twenty years ago, however, diversity meant students from California, New York, and Massachusetts; city dwellers and farm boys; violinists, painters and football players; biologists, historians and classicists; potential stockbrokers, academics and politicians. The result was that very few ethnic or racial minorities attended Harvard College. In recent years Harvard College has expanded the concept of diversity to include students from disadvantaged economic, racial and ethnic groups. Harvard College now recruits not only Californians or Louisianans but also blacks and Chicanos and other minority students. Contemporary conditions in the United States mean that if Harvard College is to continue to offer a first-rate education to its students, minority representation in the undergraduate body cannot be ignored by the Committee on Admissions.

In practice, this new definition of diversity has meant that race has been a factor in some admission decisions. When the Committee on Admissions reviews the large middle group of applicants who are "admissible" and deemed capable of doing good work in their courses, the race of an applicant may tip the balance in his favor just as geographic origin or a life spent on a farm may tip the balance in other candidates' cases. A farm boy from Idaho can bring something to Harvard College that a Bostonian cannot offer. Similarly, a black student can usually bring something that a white person cannot offer. The quality of the educational experience of all the students in Harvard College depends in part on these differences in the background and outlook that students bring with them.

In Harvard College admissions the Committee has not set target-quotas for the number of blacks, or of musicians, football players, physicists or Californians to be admitted in a given year. At the same time the Committee is aware that if Harvard College is to provide a truly heterogenous environment that reflects the rich diversity of the United States, it cannot be provided without some attention to numbers. It would not make sense, for example, to have 10 or 20 students out of 1,100 whose homes are west of the Mississippi. Comparably, 10 or 20 black students could not begin to bring to their classmates and to each other the variety of points of view, backgrounds and experiences of blacks in the United States. Their small numbers might also create a sense of isolation among the black students themselves and thus make it more difficult for them to develop and achieve their potential. Consequently, when making its decisions, the Committee on Admissions is aware that there is some relationship between numbers and achieving the benefits to be derived from a diverse student body, and between numbers and providing a reasonable environment for those students admitted. But that awareness does not mean that the Committee sets a minimum number of blacks or of people from west of the Mississippi who are to be admitted. It means only that in choosing among thousands of applicants who are not only "admissible" academically but have other strong qualities, the Committee, with a number of criteria in mind, pays some attention to distribution among many types and categories of students.

The further refinements sometimes required help to illustrate the kind of significance attached to race. The Admissions Committee, with only a few places left to fill, might find itself forced to choose between A, the child of a successful black physician in an academic community with promise of superior academic performance, and B, a black who grew up in an inner-city ghetto of semi-literate parents whose academic achievement was lower but who had demonstrated energy and leadership as well as an apparently-abiding interest in black power. If a good number of black students much like A but few like B had already been admitted, the Committee might prefer B; and vice versa. If C, a white student with extraordinary artistic talent, were also seeking one of the remaining places, his unique quality might give him an edge over both A and B. Thus, the critical criteria are often individual qualities or experience not dependent upon race but sometimes associated with it.

APPENDIX B

RESOLUTION OF THE UNIVERSITY OF WASHINGTON BOARD OF REGENTS

June 13, 1975

Special Educational Opportunities for Minorities and Women

MOTION: Upon the recommendation of the Educational Affairs Committee and a motion by Mr. Frayn, seconded by Mr. Ellis, the Board voted to adopt the following resolution:

RESOLUTION

WHEREAS the University of Washington provides unique educational opportunities, particularly in its graduate and professional schools, and

WHEREAS those educational opportunities are of particular importance in helping fulfill the nationally recognized need to increase the number of under-represented minorities and women in certain of the academic ranks and professions, and

WHEREAS the University has a special ability to provide the necessary undergraduate educational opportunities which can increase the number of qualified minorities and women for consideration for admission into the graduate and professional schools both at the University of Washington and at other institutions of higher education, and

WHEREAS the deans, chairpersons, faculties and students of the graduate and professional schools are committed to the continuing development of the present programs for minority and women students, and

WHEREAS the Board of Regents considers it to be one of the highest educational priorities of the University to provide special educational opportunities to persons from minority groups which have been historically denied access to higher levels of higher education and to women in those professional and academic fields where they have been traditionally grossly under-represented,

NOW THEREFORE, be it resolved by the Board of Regents that:

(1) The Graduate School and the professional schools continue to recognize the need for greater representation of minority groups which are under-represented in their professions and/or academic ranks by developing, enunciating and implementing admissions policies which are consistent with the fulfillment of this need;

(2) The Graduate School together with departments offering graduate degree programs and the professional schools continue to recognize the need for greater representation of women who are under-represented in their professions and/or academic ranks by developing, enunciating and implementing admissions policies which are consistent with the fulfillment of this need;

(3) The Office of Minority Affairs continue to recruit minorities and provide such special educational opportunities as it deems necessary in order that more persons from under-represented minorities may qualify for admission into the graduate and professional schools;

(4) The Office for Minority Affairs-Health Sciences Center and the Office for the Recruit-ment of Minority Graduate and Professional Students continue their special programs for the increased enrollment and continuing educational support of minority graduate and professional students;

(5) The President of the University, through his designees, identify those areas of special need for increased representation of minority groups in the academic and professional ranks and develop, enunciate and implement programs which he believes will enable the University to help fill that need;

(6) The President of the University, through his designees, provide such special educational opportunities as are deemed necessary in order that more women may qualify for admission into the graduate and professional schools; and

(7) The President of the University, through his designees, identify those areas of special need for increased representation of women in the academic and professional ranks and develop, enunciate and implement programs which he believes will enable the University to help fill that need.

VI. STANDING COMMITTEES

A. Academic and Student Affairs Committee

University of Washington Policy Statement on Admissions

RECOMMENDED ACTION:

It is the recommendation of the administration that the Board of Regents adopt the proposed Policy Statement on Admissions, attached hereto as Appendix A.

JUSTIFICATION FOR RECOMMENDED ACTION:

The University of Washington Board of Regents, the Administration, and the faculty have continuously expressed their commitment to equal opportunity and affirmative action in admissions.

On June 28, 1978, the Supreme Court of the United States announced its decision in the case of Alan Bakke v. Regents of the University of California. That decision, regarding the impacts of affirmative action programs in admissions to programs in higher education, necessitated a review of internal policies and procedures used at the University of Washington in forwarding affirmative action programs. On June 30, 1978, President Hogness appointed a six-member committee to review this decision and assess its meaning for the University. The Committee consisted of Dean Ernest Gellhorn, Chair; Vice President Herman Lujan; Mr. James Wilson; and Professors Benjamin Belknap, Thelma Kennedy, and Thaddeus Spratlen. The report of the Committee was tendered to the President on October 6, 1978.

The extensive report analyzed the Opinion of the Supreme Court, and the present pronouncements on admissions and affirmative action of the Regents, the President, and the faculty. The Committee concluded, that "under Bakke, this University can continue its support of equal educational opportunity." Specific recommendations are made towards implementing an admissions program that would continue to be "sensitive to the University's affirmative action responsibilities," but would more fully comply with the language established as permissible by the Supreme Court in so doing.

VI. STANDING COMMITTEES

A. Academic and Student Affairs Committee

University of Washington Policy Statement on Admissions (continued - page 2)

The Board of Regents, through the President, has delegated to the faculty of the University responsibility in constructing admissions requirements and procedures (*Handbook*, Volume II, Section 13-23). However, it is most important that the Board of Regents give guidance and direction to the faculty in order that they might proceed in the review of such procedures in a consistent manner. As stated in the Report of the Committee:

> We believe the *Handbook* should reflect the Regents' policy and make a specific commitment to affirmative action in admissions. This statement should contain appropriate justifications consistent with the University's educational mission.

It is in response to these needs that the Administration recommends that the Board of Regents adopt the attached Policy Statement on Admissions While the Board has not previously issued a Policy Statement confined solely to admissions, two previous Board of Regents resolutions relate directly to such a Policy:

1. Resolution of the Board of Regents, June 13, 1975, (Appendix B) encompassed in Executive Order No. 31, revised March 23, 1978, on Equality of Opportunity and Affirmative Action. As paraphrased in Executive Order No. 31, this Resolution provides:

   > Educational opportunities shall be open to all qualified applicants, without regard to race, color, religion, national origin, sex, age, marital status, or handicap. The University shall provide educational opportunities for minority group members and women in order that more minorities and women may qualify for admission to graduate and professional programs where they are underrepresented.

2. Board of Regents Resolution of January 1960, Objectives and Roles of the University of Washington (*Handbook*, Volume IV, Part 1, Chapter 1).

VI. STANDING COMMITTEES

A. Academic and Student Affairs Committee

University of Washington Policy Statement on Admissions (continued - page 3)

Such a statement will re-emphasize the already existing commitment of the Board and the University towards encouraging admission of students from the many diverse sub-cultures of society. This policy is not a new statement of commitment to affirmative action, but an important reaffirmation of Regental hopes and concerns. It will provide direction to the faculty as they examine the University admissions procedures as well as the graduate and professional programs admissions procedures.

ENCLOSURES:

Appendix A: University of Washington Board of Regents Policy Statement on Admissions

Appendix B: Resolution of the University of Washington Board of Regents, June 13, 1975

University of Washington Policy Statement on Admissions

As a prominent institution of higher education with a special obligation to serve the state, region and nation, the University of Washington seeks to provide its students the best possible educational programs and opportunities. In fulfilling this desire, the Board of Regents, through the University faculty, has adopted a selective admissions process, with the objective of attracting students who demonstrate the strongest prospects for high quality academic work. Equally important, the process of admissions must be mindful of Society's need for highly trained individuals from all of the sub-cultures of the population and the benefits to the University's educational programs derived from cultural diversity in its student body as implemented in part through the University's Affirmative Action programs. The overall goals of the admissions program are to secure the entrance to the University of those students whose academic background and other qualifications indicate their educational promise.

To satisfy this program, the Board of Regents hereby:

1. States that it is the policy of the Board that the University of Washington admit those students deemed best able to contribute to and benefit from the educational programs and opportunities offered at the University. An important and essential component of any educational program is the exchange of information and life experiences through a diverse student body, with representatives from all cultural backgrounds given opportunity at participation.

In order to accomplish a successful selective admissions process mindful of the need for diversity in the student body, special attention must be paid to members of those constituencies traditionally underrepresented in all or particular segments of the educational programs of higher education, including those groups of minority and women applicants who have been the objects of past societal discrimination. Only by recognizing today the special attributes each may bring to the institution can competitive equality be accomplished for tomorrow.

2. Directs the President, in conjunction with the Faculty of the University, to ensure that the University's undergraduate admissions program supports the objectives stated in this policy.

3. Further directs the President, through the Deans in conjunction with their college faculties, to ensure that the graduate and professional school admissions programs support the objectives stated in this policy.

RESOLUTION OF THE UNIVERSITY OF
WASHINGTON BOARD OF REGENTS

June 13, 1975

Special Educational Opportunities for Minorities and Women

MOTION: Upon the recommendation of the Educational Affairs Committee and a motion by Mr. Frayn, seconded by Mr. Ellis, the Board voted to adopt the following resolution:

RESOLUTION

WHEREAS the University of Washington provides unique educational opportunities, particularly in its graduate and professional schools, and

WHEREAS those educational opportunities are of particular importance in helping fulfill the nationally recognized need to increase the number of under-represented minorities and women in certain of the academic ranks and professions, and

WHEREAS the University has a special ability to provide the necessary undergraduate educational opportunities which can increase the number of qualified minorities and women for consideration for admission into the graduate and professional schools both at the University of Washington and at other institutions of higher education, and

WHEREAS the deans, chairpersons, faculties and students of the graduate and professional schools are committed to the continuing development of the present programs for minority and women students, and

WHEREAS the Board of Regents considers it to be one of the highest educational priorities of the University to provide special educational opportunities to persons from minority groups which have been historically denied access to higher levels of higher education and to women in those professional and academic fields where they have been traditionally grossly under-represented,

NOW THEREFORE, be it resolved by the Board of Regents that:

(1) The Graduate School and the professional schools continue to recognize the need for greater representation of minority groups which are under-represented in their professions and/or academic ranks by developing, enunciating and implementing admissions policies which are consistent with the fulfillment of this need;

(2) The Graduate School together with departments offering graduate degree programs and the professional schools continue to recognize the need for greater representation of women who are under-represented in their professions and/or academic ranks by developing, enunciating and implementing admissions policies which are consistent with the fulfillment of this need;

(3) The Office of Minority Affairs continue to recruit minorities and provide such special educational opportunities as it deems necessary in order that more persons from under-represented minorities may qualify for admission into the graduate and professional schools;

(4) The Office for Minority Affairs-Health Sciences Center and the Office for the Recruit-ment of Minority Graduate and Professional Students continue their special programs for the increased enrollment and continuing educational support of minority graduate and professional students;

(5) The President of the University, through his designees, identify those areas of special need for increased representation of minority groups in the academic and professional ranks and develop, enunciate and implement programs which he believes will enable the University to help fill that need;

(6) The President of the University, through his designees, provide such special educational opportunities as are deemed necessary in order that more women may qualify for admission into the graduate and professional schools; and

(7) The President of the University, through his designees, identify those areas of special need for increased representation of women in the academic and professional ranks and develop, enunciate and implement programs which he believes will enable the University to help fill that need.

PAPERS SPECIALLY PREPARED FOR THE CONFERENCES

Bakke and Graduate Schools of Business, by Robert M. O'Neil

Bakke: The Impact on Fellowships, by Robert M. O'Neil

What Can and Is to be Done: After Bakke, by Lubosh G. Hale

The Bakke Decision: The Legal Ramification, by S. B. Burbank

The Black Exclusion of Veterinary Medicine, by G. Gurney

Robert M. O'Neil
American Assembly of Collegiate Schools of
Business/American Council on Education
Post-Bakke Seminar
December 14, 1978
Evanston, Illinois

BAKKE AND GRADUATE SCHOOLS OF BUSINESS

During the months since the Supreme Court decided the Bakke case, many professional groups have appraised the impact of the judgment on their own admissions policies. No gathering for this purpose is more appropriate than the one we begin this afternoon. Two factors strike me as especially germane. For one, as I hardly need point out to this group, Business Schools are feeling intense pressures for admission, and that condition is likely to persist well into the 1980's. The other factor has to do with the business of business itself: No professional field has had to grapple for a longer time, or more extensively, with demands (both from government and from private groups) for equal opportunity. Title VII and its enforcement have simply been a fact of life in the business world for a decade and a half, and the issues which have come much later to other sectors are all too familiar to those who enter management and direct the affairs of commerce.

My role here this afternoon is much more that of lawyer than of university administrator, although the two cannot readily be divorced. I devoted many days last summer as a member of the Task Force appointed jointly by the American Council on Education and the Association of American Law Schools to prepare a report analyzing the impact and implications of the Bakke decision. You have all received a copy of the report, and I shall simply assume that despite the many other pressures at this time of year you have had some opportunity to peruse it -- although you will not be examined on the contents. Instead of simply summarizing the report, I should like to begin with some general observations about the decision -- what the Supreme Court did and did not tell us -- and later in the program offer more detailed comments about one area -- scholarships and fellowships -- which received only the most cursory attention in the report. In defining the issues as we did, it should be clear that we omitted any discussion of employment -- even of graduate teaching or research assistants -- because we felt the Supreme Court had deferred a whole range of employment issues for separate treatment this year. Next spring we should have further guidance in regard to employment, and until then we would prefer to suspend judgment rather than extend Bakke by analogy.

Let me begin with a series of brief observations about the Supreme Court decision -- or, more accurately decisions, because the Court did not speak with a single voice on any facet of this complex case.

First, the Court decided less than many of us had hoped it would, though considerably more than the same Court decided four years ago in dismissing the DeFunis case as moot. In Bakke, four Justices reached their conclusion on the narrowest possible ground -- the reach of Title VI of the 1964 Civil Rights Act. The other five did address broader issues, including constitutional questions, but there is no majority on either of the points necessary to decide the case. There were five votes on each issue, but no single rationale on either which drew the concurrence of more than four Justices. Thus should similar issues return in a factually different form, there is no assurance of the disposition in either major area.

Second, and more positively, the Court did at least reach conclusions with regard to the two major issues. One, they held that the program used for admission of medical students at Davis was invalid because it excluded non-minority applicants from consideration for all 100 slots in the class. On the other issue, the Court held that the California Supreme Court has erred to the extent it foreclosed all consideration of race in the making of admission judgments. The second point may have far wider implications than the first -- although the bifurcation made it possible on the afternoon of the decision for the Black Caucus and the Anti-Defamation League both to claim victory. The division between the two principal issues has also created some confusion for those of us charged with explaining the decision to our nonlawyer colleagues.

Third, only one admissions program or policy was held unlawful, and that was an unusually heavy handed policy, closely akin to a racial quota, at a time when most other graduate professional schools had already devised more sophisticated admissions procedures. (The medical faculty at Davis about six weeks ago developed a new policy, more in line with those used at other medical and professional schools, and presumably consistent with the Supreme Court's views.) At the same time, the Court did not uphold any particular admission programs since no other was before it. Mr. Justice Powell's encomium for the Harvard policy are interesting and may even be legally significant, but are the sheerest dictum: they reflect only the views of a single justice and are clearly apart from the facts of the case.

Fourth, the Court certainly did not foreclose all use of race in the admissions process. Even more clearly did the Court not foreclose using race in other aspects of higher education, such as financial aid, counseling, recruitment, special educational programs and the like. It can well be argued (as we have suggested in the Task Force report) that where an admission program is legally valid under the *Bakke* decision, and where supporting services reinforce that program and make it work, the legal judgment about these services follows logically from the sustaining of the admissions policy. It is the decision to admit -- or to reject -- an applicant that is critical, although the most humane admission policy in the world may not serve its goal without some concurrent reallocation of other benefits. Stated a bit differently, it would be cruel and perverse for a court to say that institutions may give special consideration to minority applicants in *admission* but may not give them any special financial aid or developmental education. Thus, while the Court has not spoken on anything other than admissions policies, it has implied its views on several related issues -- with the important exception of employment matters, for the reason I noted earlier.

Fifth, the Court did not even consider all the possible reasons for using race in admissions decisions. Mr. Justice Powell, the only member of the Court to catalogue the possible rationales, expressly validated two bases for taking race into account -- diversification of the student body, and amelioration of a judicial or administrative finding of past discrimination. Justice Brennan and the three others who joined his opinion made clear their concurrence with Powell on these grounds, and added that they would permit racial preference to overcome "societal" discrimination for which the institution seeking remediation bore no blame. We do not know to what extent Justice Stevens and his three colleagues would accept these justifications, although past decisions indicate general acceptance of the judicial/administrative finding rationale.

What is now most interesting is the possible justifications that no member of the Court probed. For example, it was argued in Bakke that minority status may be taken into account to improve professional service to regions of short supply. Justice Powell observed that such an interest might well prevail if the evidence supported it; the Bakke record contained only a single newspaper clipping on the point, and Powell felt no obligation to do more than mention the issue. Nor did he pursue two other frequently stated reasons for taking race into account -- the desire to overcome the exclusionary effects of standardized tests and the importance of establishing "role models" -- for the minority community. Future cases will undoubtedly present these claims more clearly, and will invite the Court to appraise justifications for race which were peripheral and unnecessary in Bakke.

In fact, only one basis for using race was actually rejected. Justice Powell observed that preferring some people simply because they belonged to one racial or ethnic group was not permissible. Few constitutional scholars would question that conclusion -- although they suggest the Davis Medical faculty would not have adopted their Task Force program for so simplistic a reason in the first place. If the equal protection clause means anything, it forecloses inclusion or exclusion of persons solely by reason of race. The important point is that, to Justice Powell and at least four of his brethren, race may be used if it serves to reach some other goal such as diversifying the student body, or meeting the critical needs of underserved areas, or possibly training role models. In view of the confusion which followed the decision and which may well persist, we should note carefully how little Bakke told us we could not do in our admissions policies.

Sixth, of the possible justifications, diversification of the student body is likely to be ~~the~~ most readily available and the one most consistent with other educational policies. Curiously, Justice Powell grounded the interest of diversity not on race but on academic freedom and the value of a "robust exchange" in the classroom. Some skeptics may observe that relatively little "robust exchange" results from the addition of minority students, at least in small numbers, to otherwise white-anglo classrooms, or that there is little informal or social contact between the races outside the classroom. It seems to me Justice Powell would probably offer two answers: One, that the values of racial and ethnic diversity are to be presumed as a matter of law, rather like the benefits of desegregating public schools, even though the facts in a particular case may not support the general inference. He would also urge us to be patient, and at least to suspend judgment until minority enrollments had reached a "critical mass" and the experience of Black and Latino students had generated the degree of confidence requisite to a "robust exchange."

There is a more difficult problem with regard to diversity, which I can do no more than mention in passing. Highly selective independent institutions (like those represented in this group) typically seek diversity along many lines, including geography, family background, and work experience, as well as ethnicity. For less selective state schools, the options and therefore the goals are different. In some states, geographical diversity is restricted by legislation or administrative edict. Tuition differentials may have much the same effect. Thus for the public institution race or ethnicity may turn out to be about the only dimension on which diversity is in fact consciously sought. What would Justice Powell say in this situation? Of course we do not know, because he had in mind the multi-factor diversification of Harvard and Princeton. I like to think, however, that he would permit racially-focused diversification either because sufficient diversity already existed in other dimensions through the natural operation of the admissions process, or because not all possible goals need be pursued simultaneously with equal vigor. There is precedent for both answers, though time does not allow elaboration here.

The discussion now brings us to a seventh and final point. It is necessarily more general and more subjective than the others, and forms a timely conclusion. No person of good conscience can find in the Bakke decision any warrant for diminished commitment to affirmative action. The accomplishments to date in most of our institutions -- with a few notable exceptions -- have been far too modest to give us much comfort. The major thrust of the Supreme Court's judgment last summer was to validate the approach we have taken, while cautioning against excesses of the Davis type. Much work remains to be done, and we now have the critical imprimatur of the nation's highest court. The test case could have been a better one, the Justices could have been in closer accord, and the judicial declarations could have been both clearer and more eloquent. But the basic message is unmistakably clear to those who really seek understanding and guidance. Some groups have already read Bakke as a signal or a warning to reduce their efforts. For that reason it seems to me imperative for those of us who believe much remains to be done to do more, and better, in shaping our policies and programs to meet a critical national need.

American Assembly of Collegiate School of Business
American Council on Education
Post-Bakke Seminar
December 14-15, 1978
Evanston, Illinois
Robert M. O'Neil

BAKKE: THE IMPACT ON FELLOWSHIPS

Quite properly, the Supreme Court spoke in the Bakke case only of admissions, and really dealt only with the special context of graduate professional admissions. But the import of the decision is far broader. Until the Court speaks again in this area, we in higher education must do the best we can to work through the implications of Bakke for a broad range of other matters -- recruitment programs, special counseling, tutorial, financial aids, fellowship awards, and a host of other questions. There will probably be cases on all these issues during the next several years. But the absence of a judgment precisely in point gives no warrant for inaction. We must simply do our best with the guidance we have. It is in this posture that I offer a few observations on the subject of fellowships and financial aids, in the hope that some consistency will emerge.

Let me sort out five situations in order of increasing difficulty. All five involve questions which financial aid officers -- and ultimately we as Deans, Vice Presidents, and administrators at other levels -- must face in the coming months.

First, let us consider the university which simply allocates to minority students funds which it receives under a federal grant for this express purpose. Such a program should satisfy not only Justice Powell but also the members of the Stevens group, since Congress may modify the ban of Title VI on which the Stevens group relied in striking down the Davis admissions program. Undoubtedly the Brennan group would uphold such a program, unless they found it either stigmatizing or unrelated to disadvantage which would persist without such aid. Given the clearly demonstrated financial needs of minority students, the relationship between problem and remedy required to satisfy the Brennan group should not be hard to find. Thus such a program should have the blessing of a clear majority, and might even gain unanimous approval.

The second case is that of an institution which administers a similar grant with funds earmarked for this purpose by the state legislature. We have no idea what the Stevens group would say about such a program, since they spoke only of the federal constraint. We can assume that the Brennan group would accept such a program as readily as they would sustain federal grants for minority fellowships. The problem, here as on so many issues, is the probing of Justice Powell's views. Powell did say that a state legislature could make the sort of judgment which he would not allow the University of California Regents to make -- partly because a university board may not understand or reflect all the elements that should influence such a sensitive decision, and partly because it might be tempted to make a short range or even expedient decision in favor of one group without assessing the impact on others. If the elected state legislators make such a decision, fully accountable to the citizens, and aware of the consequences, even a fellowship program which exclusively aids minority applicants may be valid. (There is at least one gap in Justice Powell's reasoning; he said that the Davis program failed as a response to past discrimination mainly because the University made the critical decision; had the very same program been designed, enacted and funded by the California legislature, he might then have agreed with the Brennan group about its content and restrictions. Thus the status of minority-specific fellowships created by the legislature -- a proper body in Justice Powell's view to grant racial preferences -- remains an open question. And of course the views of the Stevens group are wholly unknown.

The third case is a slight variant on the second: The minority fellowships have been funded by the state higher education coordinating board rather than by the legislature. Here too, of course, we look only to Justice Powell's views, which are both necessary and sufficient for a majority either way. He included "administrative agencies" within the range of valid decision-makers, along with courts and legislatures. But he was presumably thinking more of the state anti-discrimination or human rights commission, which could make findings of past discrimination that would support responsive remedies by the state's institutions of higher learning. The role of the higher education agency is far less clear, although in some states such agencies (or state scholarship commissions) do have fellowship funds which might well be used in this way. Such an agency would, like the California Regents, be concerned with education rather than with discrimination, and that focus would lose some legitimacy in Powell's eyes. On the other hand, agencies do make findings which are accessible and reviewable, and they are usually sensitive to the political process, through election or appointment. The chance of getting Justice Powell's vote on this alternative is therefore less clear, though a persuasive argument can still be made.

We come now to the two remaining, and most difficult, situations. Many institutions have made substantial commitments of their own resources for minority fellowship programs, and such allocations are now likely to be challenged. There are, in fact, two decisions of lower courts which provide limited guidance. One case held that the Georgetown University Law School had violated Title VI in reserving 60% of its aid funds for minority students who comprised 11% of the class, since the fund was distributed without regard to need and a middle class minority student could receive more than a desperately needy white student. The other case, involving the more flexible aid policies of the University of San Francisco Law School, turned on largely procedural grounds and gave little insight on the substantive issue before us.

There is one obvious difference between fellowship and admissions decisions. The non-minority student is at most denied access to funds which may facilitate graduate study, but is not excluded even from a part of an academic program. Many opportunities for financial support exist, and most are available alike to minority and non-minority persons. Moreover, the renewal of such a fellowship would presumably be based on something more than minority status, even if the initial award was race-specific. And it is surely arguable that such fellowship programs are necessary to make effective the race-conscious admissions policies which Justice Powell has said may serve the goal of diversity. The graduate department or school which in these times earmarks no special funding for qualified minority applicants cannot fare well in the keen competition for such students.

You may well wonder whether a distinction should be drawn here between public and private institutions. The answer is less clear than a lay observer probably thinks it should be. The constitution applies to state universities using state money, but may also apply to some private universities even when using private funds -- a matter on which the lower federal courts are still very much split. Title VI applies clearly to the use of federal funds, as much by a private as a public university; but Title VI may also reach some actions and policies that do not directly involve federal funds. (In the Georgetown Law School scholarship case, for example, the court found a violation of Title VI even though the money involved was private in origin, and the governance of the University was clearly private; substantial federal grants had been used to build a new law center, and were of direct benefit to the law school in other areas. Thus to offer a woefully inadequate summary on this issue: A state university is always subject to the constitution, and a private university may be at times, regardless of funding sources; the application of Title VI depends not on the source of the institution's operating budget (whether public or private) but rather on the relationship of the challenged program to federal funding which the institution may receive. More than federal fellowship funds are covered; whether all parts of the institution are covered by Title VI if some parts are federally funded is a genuinely open and difficult question.

We come finally to a factually similar but legally rather different situation -- one about which I know many of you are concerned -- the institution which administers a foundation or corporate grant or private bequest for Minority fellowships. The work of the Minority Management Consortium, with which I am quite familiar from discussions with several of my Indiana University colleagues, falls precisely into this category. The corporate contributions are essentially earmarked for the support of minority students, and do in fact go for that purpose. The fact that the fund is initially in the hands of the consortium rather than of the constituent institutions does not alter the legal picture, since the consortium is really a creature of the six universities which gave it life and which govern its affairs.

One could start with easy cases on either side: If, on one hand, the university simply admits a student knowing that he or she is supported by a Ku Klux Klan fellowship, I do not think any violation of law occurs (although the admissions committee might well have some question about the student's judgment). Conversely, it is now clear under federal anti-discrimination rules if not under the constitution that a university may not accept and administer funds for whites only. The hard question is the one that lies between -- the externally imposed, racially preferential, condition. The Courts have had some difficulty with this situation even when minorities were disadvantaged, and have puzzled whether there is sufficient "state action" when the university merely acts as a conduit for the bias of a private donor. Where the restriction favors minorities, and where the particular grant forms only a small part of the institution's total financial aid budget, these doubts should help a court to find in favor of the program. It would seem strange, if not perverse, to allow the university to use its own funds to help minority students and then to say that the same university may not use someone else's money for the same purpose. In such a situation, unlike the institutional-funds case, it is also clear that if the condition were invalidated the external funds would simply not be available, and would not be poured into the general fellowship pool. Thus, for all these additional reasons, the same conclusion we reached in the case of the institutional fellowship program should also follow for the externally funded program.

Several caveats emerge, and may form a fitting conclusion. First, where financial need plays a part in the process (and often it does--not) the Georgetown case teaches that it may not be waived or applied solely on the basis of race. Second, fellowships which are granted initially on the basis of race or ethnicity should at least be periodically reviewed to assess the qualification and performance of the recipient, and renewal might be based on more flexible criteria. Third, non-minority students who have comparable needs and could make similar contributions to the program should also be carefully considered, although not necessarily for support from the same fund. Fourth, the basis for the selection and allocation should be made clear and candid, so that everyone will know what is being done and why. Fifth, where external funds are accepted for minority fellowship programs, the source and the basis of the preference should be clearly understood by the institution and available to all applicants. Finally, all such programs (for admission as well as for financial aid) should be regularly reviewed and should be reduced or eliminated when they are no longer needed. Clearly the condition of minority access -- especially at the graduate level -- currently gives no cause for relaxation of effort. But the time may come when such preferences and programs will no longer be necessary. In fact, it is my own belief that the strengthening of such programs today will hasten the coming of that happy time.

Lubosh G. Hale
Dean of Students
University of Chicago
Graduate School of Business

Chicago, January 1979

WHAT CAN AND IS TO BE DONE: AFTER BAKKE

Basic Assumption

It is my understanding that all the efforts to bring American minorities into the mainstream of life, especially the majority's support of this movement, should serve the major goal of integrating the multiracial society of America. This integration is an absolutely necessary, though not sufficient, condition for survival of this society as free. It thus can easily serve as a sufficiently universal interest tieing together the diverse groups of a nation without homogeneous ethnic structure and cultural tradition. However, this goal, somewhat obscured by militant, even violent forms of the struggle for an end of racial discrimination, often escapes us. I am tempted to believe that these forms are rather unavoidable, given the errors and injustices of the past, deep-rooted emotional biases nourished by our atavistic penchants, and redistributive consequences of most policy measures available: redistributive both in the costs and the results of these measures (projects, programs, policies).

Existing State of Affairs

Quite understandable dissatisfaction with the understandably slow pace of progress towards racial equality ended in harnessing the political process to achieve this goal. Because of the belief in instantaneous collectivist solutions, governmental pressure became the main driving force behind the enlightened attitudes of most members of the majority. Bureaucratic interests unavoidably took over as a powerful force in the equal opportunity movement. Emphasis on legalistic solutions and a tendency towards legalistic analysis naturally followed. Affirmative action programs and charges of reverse discrimination are clear evidence of the transfer of the problem from the realm of moral convictions and spontaneous nation building based on enlightened self-interest to the judicial and bureaucratic area.

The bureaucratic involvement begins to be counter-productive. The backlash to affirmative action programs is already recognizable in the atmosphere developed around the Bakke case and is coming to the nation's attention accompanied by the "Proposition 13" movement. In my judgement, the timing is not a sheer coincidence. They both reflect the disgust of many majority members with the never-ending redistributive policies of gevernment, especially the federal government, which seems to know best what suits the society and therefore systematically narrows down the field of operations for private action, both individual and collective. Elements of legalistic perversion in perception of the problem are clearly identifiable in items of "defensive admission policies" penetrating our agenda through both written and oral contributions to specialized seminars preceding this one.

Spontaneous activities which are the only force that can solve problems of a multiracial society are not always constrained exclusively by government. Tendencies towards control of supply by private groups often intensify the struggle for access to excellence by undercutting the interplay of forces of supply and demand. It is no coincidence for me that Mr. Bakke was a rejected medical school applicant, not, e.g., a candidate for admission to a school of management or business. (These schools responded in a very flexible way to the amazing growth of demand for graduate education in the field.)

On the whole, well-meant programs, developed to help the racial integration by utilizing the (federal) government's potential for coercion, had to end in what they have ended: in targets and quotas, blindly imposed and mechanically implemented. This should not be surprising; results of bureaucratic activities have to be measured in some way to document the effectiveness (if not the efficiency) of programs and thus to guarantee their continuation. Similarly, the backlash charges of reverse discrimination, especially by white Anglo-Saxon males, should not come as a surprise. Bureaucratic pressure had to bring them forth; it is in the logics of bureaucratic operations to implement policies without heeding their consequences in specific conditions.

Affirmative action programs are the epitomy of the bureaucratic goodwill in action. They impose most of the redistributive costs on those who do not conceive and plan them: on taxpayers and on those whose chances for life success are changed by these very programs. And they impose penalties or the threat of penalties. Spontaneous programs in business firms, institutions of higher learning, governmental units, and schools of all kinds are, therefore, only partially spontaneous. Similarly, open discussions on the equal opportunity topics are only partially open: their tone and argument depend on the presence or absence of minorities' representatives or staunch supporters. Again, there is nothing surprising about it: human behavior under coercion assumes most bizarre forms. Lack of sincerity and conviction on the appropriateness of means, even if the goals are shared, cannot produce a serious and - what is most important - permanent progress.

The absurdity of imposing racial quotas on a pluralistic society was clear to most thinking observers long before the Bakke decision. One has to look only on the possibility of quotas imposed on the world of entertainment (especially musical); or professional athletics (football, not to speak about basketball) to realize this absurdity. The minorities, especially black people, would be shortchanged in their opportunities, should somebody dictate a share of, e.g., 12% as a quota for their participation.

Even the long-term consequences of quota policies have been escaping their supporters for a long time. In institutions of higher learning, these policies entail - all the denying rhetorics notwithstanding - double standards of admissions. These policies have, therefore, achieved a systematic mismatch of minority students and institutions (see Thomas Sowell), with unnecessary suffering of underprepared students and support of bigots through "evidence of racial superiority" as consequences.

Through forced busing, another example of application of policy of quotas, racial hatred was rather promoted than calmed (Boston; G. Wallace's successes in presidential primaries) and empirical evidence of a decade (Prof. J. Coleman) suggests no educational improvements have been achieved.

What is even worse, the mismatch of students and schools together with forced busing helped to perpetuate the decay of inner cities' public schools through relieving pressure on their teaching and educational effectiveness, at all levels. Instead of helping to fight the problems of educationally disadvantaged minority students, these well-meant programs deepened the educational crisis, and - compounded by minimum wage legislation, another well-meant but misconceived tool of social policy - produce the teen-age minorities unemployment which has attained levels of a national scandal.

These are, in my opinion, the basic forces which put the U.S. Supreme Court into the position of a "savior with sword" to be relied upon in formation of our national socio-economic policy. Expressions of satisfaction with the Bakke case ruling ("a good decision, it politically may satisfy everybody") suggest that this role has been already not only assumed by the Court but also accepted by some sections of the public. The role of the Supreme Court has been to find the law of the land, not to please political forces. It is in this point that the Bakke case ruling has been found wanting by most observers. This is the reason why we convene to discuss this topic.

Recommendations

What can and is to be done in the circumstances described above (with rough brush, I admit), under the given conditions of private and public attitudes, political constraints and legal limitations? My proposals, presented on two levels, are as follows;

On the level of rather general principles:

(1) Let us give up the idea that injustices of the past may be undone by wrongdoings imposed on generations of grandsons.

(2) Let us try to maximize spontaneity of action through developing incentives for positive contributions to racial peace and integration of the society, rather than punishment for lack of enthusiasm.

(3) Let us concentrate on equality of opportunity in a material (not only legal) sense and let us give up the foolish dream that centuries of neglect and discrimination can be redressed by actions bringing forth instantaneous equality of results.

(4) Let us concentrate most of the means available on basic education, grade

and secondary schools, because it is there where the losing battles of American minorities are being fought, and let us forget about such cosmetics as "what percent of black or Puerto Rican students graduate from Harvard Medical School of Chicago Graduate School of Business."

(5) Let us minimize the use of race as a criterion in admissions in the sense of substituting race for strong credentials, rather than using it as a complementary factor weighing in favor of comparable candidates.

(6) Let us maximize reasonable use of lottery in admissions to all graduate educational programs, increasing, if necessary, collective chances of minority members while allowing non-arbitrary decisions (lottery) to make individual choices.

On the level of specific measures in admission to graduate and professional studies

(1) Let us increase special fellowship programs for minority candidates of limited (5-10 years) duration to overcome financial disadvantages of minority students and their traditional aversion towards investment in education.

(2) These programs would be clearly temporary to minimize resentment and reverse discrimination charges on the part of non-minority students, but long-term enough to produce, in sufficient numbers, roleplaying career people to serve as models for emulation. The aversion against educational investment and debt assumption mentioned above is only partially culturally conditioned, as readiness of the same minorities to assume debts for purchases of durable consumer goods suggests. It is in fact based on the differential life-earning records of minority professionals now mostly, though not fully, a matter of historical past. Recipients of these fellowships should be expected to perform roles of motivation-inspiring leaders among minority school children and students:
(a) to recognize the privilege-based support they are fortunate to receive;
(b) to help to break the vicious circle of frustration and lack of purpose compounded by lack of achievement.

In private institutions, these discriminatory fellowship programs favoring minorities may be defended on the basis of private-property-based allocations (restricted gifts, affirmative-action-oriented business sponsors, etc.) In governmentally run and financed institutions of higher learning, these fellowship programs would probably have to be started and endowed by decision of competent legislative bodies.

(3) Wherever present, artificial constraints on the supply of vacancies in graduate and professional schools should be eliminated as much as quality of education and market demand permit. Reverse discrimination charges and bitterness connected with them can be decreased if educational opportunities are enlarged across the board, for all talented young people interested in them.

(4) Academic merit and professional promise should be the basic criteria for

for awarding these special fellowship grants. Loan programs, governmental and private, subsidized and non-subsidized, with indebtedness ceilings tied to generally expected earning possibilities of graduates should be easily available for all students, including minority students. Such loan programs should allow cancelling of fellowship grants in the case of weak performance (or unmet expectations of any kind) without fatal consequences of actually denying completion of studies.

(5) Experience of the leading graduate business schools suggests that recruiting of minority students, especially black students, is facing a limited or decreasing national pool of talented people ready to undertake a strenuous and costly educational program. Especially in periods of good employment possibilities, these schools experience difficulties in attracting people of talent and strong working habits. The pool is probably limited by a terrible waste of talents in the high school age brackets. Recruiting efforts should be reoriented towards these young people, with the knowledge that only long-term results will be forthcoming this way.

(6) Mechanically implemented targets for race composition in incoming classes should be abandoned, whether they imply quotas or not. Progressive de-emphasis of double admission standards should in the long run produce a better match of talents and institutions and increase the demand for excellence in secondary schools and even on a lower level.

LGH

APPENDIX II

The Bakke Decision: The Legal Ramifications

Workshop Conference on Minority Representation
in Veterinary Medicine

Dupont Plaza Hotel, Washington, D.C.
November 1, 1978

Stephen B. Burbank
General Counsel
University of Pennsylvania

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Prior to the decision of the Supreme Court in The Regents of the University of California v. Bakke, I wrote a brief essay on the implications of the case for independent secondary schools in which, because of all that had been written about Bakke and the space constraints imposed by the publication, I likened myself to a tongue-tied suitor courting controversy and contravention. I am in somewhat the same posture, but not for the same reasons, today, a fact which by itself suggests something about the Court's decision and what lies ahead of us. Your schedule affords me the luxury of a full presentation of my views and the opportunity to answer your questions. Moreover, there is not yet the massive accumulation of words analyzing the decision that preceded its rendering and that made the author of still another contribution despair of originality. What has been written does, to be sure, present challenges - principally that of correcting erroneous impressions conveyed by the mass media. One of those impressions is the the Court spoke in clear and unmistakable terms, that there is an "opinion" to which educational institutions can turn for guidance in reexamining their admissions policies and practices. There were, as many of you are aware, six opinions, in one of which Justice Powell voted with different groups of four Justices to form different majorities on the two issues which are of concern to us. The difficulty of divining and explaining the Justices' views on those issues is the major problem which I face today.

It had been my hope to spare you a detailed legal analysis of the opinions in the case and to spend my time discussing what I think may be the implications of the decision for your institutions and for educational policy more generally. As I thought about this talk, however, it became clear to me that, if my remarks concerning the implications of the Bakke decision are to be useful, there must be some common ground among us as to what that decision is. Indeed, so ambiguous are aspects of the Court's decision that their implications can best be probed in the context of a discussion of alternative interpretative hypotheses. Since I am not one who believes that laymen are incapable of understanding legal issues - a proposition that was shaken by McGeorge Bundy's excellent article on the Bakke case in a fall 1977 issue of the Atlantic Monthly and that will be toppled by another article by the same author (to which I owe a substantial intellectual debt) in a forthcoming issue of the same publication- I will not apologize for my failure to banish legal analysis from these remarks. Once the common ground I spoke of has been established, we can move to the important issues of educational policy that remain after the decision. In addition, I intend to suggest ways in which colleges and universities can undertake to assess more precisely the impact of the decision on their admissions programs.

There is no doubt that the Supreme Court held in Bakke that the particular program at issue in the case, the special admissions program of the Medical School of the University of California at Davis, was illegal. That program, as you remember, involved the reservation of places in the Medical School's entering class for disadvantaged members of minority groups, who were evaluated by a different committee, according to a somewhat different procedure, than applicants who were not members of such groups. Doubt does remain, however, as to the legal basis for that holding, since Justice Powell, whose vote was decisive, articulated his conclusion in constitutional terms, whereas the other four Justices forming a majority on the issue, whom I shall call the "Stevens four" after the author of their opinion, reached their conclusion solely on the basis of Title VI of the Civil Rights Act of 1964. Doubt also remains in some minds, notably the minds of some law professors, whether the Stevens four will hold firm on the statutory issue in future cases, in light of the rejection by a majority of the Court, including Justice Powell, of their general approach to the interpretation of Title VI.

As to the first issue, my own view is that, since Justice Powell equated the statutory with the constitutional command, the Court's decision should be regarded as holding that the Davis program violated Title VI. The view to the contrary seems to me a triumph of formalism over common sense. Accordingly, an admissions program at a college or university that receives federal financial assistance (and thus is subject to the statute) and that shares the salient characteristics of the Davis program is vulnerable until such time, if ever, as Congress amends the statute or the Court proves me wrong in another case.

As to the second issue, which relates to the possibility that the Stevens four will change their general approach to the interpretation of Title VI and reach a different conclusion on the statutory issue in some future case, it is enough in my opinion to point out to the law professors that the Stevens four should, according to their theory, have yielded to the majority in Bakke itself. They didn't, and speculation regarding time pressures in the process of decision is a tenuous basis at best for retention of programs like that at Davis by institutions which are committed to the rule of law, to say nothing of institutions which are not able to endure the extraordinary disruptions of litigation on the issue.

There is also no doubt that the Supreme Court held in Bakke that race and ethnic origin may, in certain circumstances, be considered in the admissions process for the purposes of the Constitution, and that it would reach the same conclusion under Title VI. The Court rejected, in other words, the proposition, apparently advanced by the California Supreme Court, that colleges and universities must be color-blind in deciding who shall study. All of the Justices who addressed this issue reached essentially the same conclusion, and it may be a conclusion shared by one or more of the Stevens four, who did not deem it necessary or appropriate to decide the issue in Bakke.

You have, I am sure, observed that, although I feel reasonably comfortable about our ability to extrapolate the general contours of the Court's decision in Bakke from the various opinions, those contours as sketched thus far offer only hints of guidance to college and university administrators. I cautioned that admissions programs at institutions receiving federal financial assistance which share the "salient characteristics" of the Davis program are at risk under Title VI. Similarly, in reporting the Court's decision on the use of race in any fashion in admissions, I stated that, after Bakke, race may be considered "in certain circumstances". What are those "salient characteristics" and those "certain circumstances"?

Here is where the arguments among lawyers are likely to become heated, and here is where the impact of the decision on, and its implications for educational policy must be tested. Refining my earlier statement of the major problem confronting me, it is, as to both aspects of the decision and for lawyers and educators alike, the fact that guidance must be gleaned almost exclusively from the opinion of one member of the Court, Justice Powell. Although there is an understandable tendency to regard his opinion as stating the Court's decision - understandable because his vote was decisive to both holdings discussed above and because his opinion provides the only reasoned explanation of one of them - it is important to recognize that such focus may be misleading.

The conclusion of the Stevens four that the Davis program violated Title VI is for our purposes nothing more than that. These justices, believing that the statute's meaning is clear, opined that its "plain language" required a decision striking down Davis' special admissions policy, which in their view "excluded Bakke from participation in [the University's] program of medical education because of his race." The aspects of the Davis admissions program which effected this "exclusion", what I have called its "salient characteristics", are not articulated. For that we must turn to Justice Powell's opinion. Fortunately, the characteristic which most troubled Justice Powell, and which prudence suggests you should avoid in your own institutions, is reasonably clear, namely the reservation of places for members of minority groups who competed only against each other, albeit under a general requirement that all persons admitted be qualified to do the work. This set-aside, in Justice Powell's view, foreclosed Allan Bakke and other white applicants, on the basis of their race, from any consideration of their qualifications, in "disregard of individual rights as guaranteed by [Title VI and] the Fourteenth Amendment."

Two-track admissions systems were, quite apart from their legality, controversial long before the decision of the Supreme Court in Bakke. Many members of minority groups and many educators argued that such systems stigmatize the very persons who are their beneficiaries, engendering feelings of inferiority and exacerbating racial and ethnic polarity. Others argued that two-track systems are an expedient for educators whose meritocratic beliefs, however narrow, are best served by a procedure that, although it affords admission to some viewed as less meritorious, is avowedly separate and "special". Still others argued that two-track systems are an expedient of another sort, reflecting the unwillingness of those who administer admissions programs to spend the time and money required to cast off the tyranny of numbers.

It would seem that prudential considerations of this order, when considered along with the very substantial legal risks posed by two-track systems after Bakke, would result in the abolition of similar programs at other colleges and universities without great debate. I have reason to believe that this will not be the case, that there will be considerable pressure in some institutions to preserve admissions systems which are explicitly two-track or, although dressed up to appear different, their functional equivalent. Such pressure could be the weight of inertia on the part of faculty and administrators for whom, for either of the reasons advanced above, two-track systems are an expedient. Alternatively or in addition, it could be expressions of concern by minority group members, including those who regard the Davis model as stigmatic, for whom the alternatives seem to augur a substantial reduction in the minority presence on their campuses. The two phenomena might well, of course, be related. In order to evaluate these pressures to preserve the status quo, and in order responsibly to respond to them if they should occur in your institutions, it will be necessary to understand the range of alternatives to the Davis program that are available after Bakke. This brings us back, of course, to the second issue decided in that case and to a consideration of the circumstances in which race may be a factor in the admissions process. Unfortunately, this is the area of greatest difficulty and the area where reliance on Justice Powell's opinion is most dangerous.

As you know, four members of the Court concluded in a joint opinion, which was supplemented by expressions of the individaul views of some in the group, that the Davis program was legal. If their views had prevailed, so long as the effects of past discrimination lingered in our society and appeared to impede access of minority group members to colleges and universities, those institutions would be free to pursue race conscious admissions policies the purpose of which was to remedy past effects and/or to advance educational goals such as diversity in the student body. Their views did not prevail, however, and the reasoning of Justice Powell, narrowing considerably the circumstances in which race may be used as a factor in the admissions process, has assumed in the minds of many decisive significance for future directions. More specifically, since Justice Powell rejected all of the purposes advanced by the Regents to justify the Davis program except the purpose of achieving diversity in the student body, many feel that race-conscious admissions programs in which diversity was of little if any importance prior to Bakke should be re-rationalized in those terms. And, since the details of an acceptable race-conscious admissions program were adumbrated by Justice Powell, details which involve individualized comparisons of candidates with respect to a range of non-intellective factors that may not be restricted to race or ethnicity, those who administer admissions programs at colleges and universities have started to think about what that range should include at their institutions.

It is with some diffidence that one, like myself, who assisted in the preparation of the brief on which Justice Powell placed greatest reliance, suggests caution in the use of his opinion in reformulating admissions policies and practices after Bakke. However, in advancing diversity as an acceptable goal or purpose for the implementation of race-conscious admissions programs, the authors of the amici brief filed by Columbia, Harvard, Stanford and Pennsylvania were attempting to present a perspective not otherwise adequately represented in the litigation, the perspective of private universities and in particular of undergraduate admissions at those institutions. We were careful not to disparage other possible purposes for similar programs; we were perhaps not careful enough to flag the differences between undergraduate and graduate education.

If Justice Powell's opinion on this aspect is regarded as definitive, colleges and universities desiring to perpetuate the consideration of race in their admissions processes must articulate and take into account factors, including but not limited to race, which are reasonably thought to contribute to the diversity of the student body. They must make admissions decisions in such a way that applicants of all races have an opportunity to compete at the margin on the basis of all of their relevant qualifications, and although diversity criteria need not be accorded equal weight, evidence that race is all that really counts will put the institution at substantial legal risk.

This process will prove for many institutions a tall order. For some, the problems will be chiefly reformulating (or perhaps formulating for the first time with precision) the qualities sought in the student body, and working out procedures by which those qualities may fairly be appraised among the applicant pool. In this class of institutions, the most pressing question unanswered in Bakke will be how much attention to race is too much. For other institutions, those for whom diversity, at least non-racial or ethnic diversity, is not deemed important, Justice Powell's opinion presents significantly more taxing problems, confronting them with the unpleasant choice of abandoning their commitment to minority group members or reformulating educational policy for non-educational reasons.

If one accepts this analysis, it is not difficult to understand the uneasiness of members of minority groups and others about alternatives to two-track systems. In the first class of institutions discussed above, those which embrace diversity as an educational goal, the effort to preserve a substantial minority presence will require hard work and a greater financial investment in the admissions process, as well as the good faith commitment of those who administer the process. In the second class of institutions, those which have no real educational rationale for diversity, an anterior obstacle is presented, one that in some instances is seemingly impervious to arguments that have traditionally been found persuasive in the cause of affirmative action in education.

Justice Powell's opinion, then, poses hard choices for colleges and universities which are committed to the rule of law. It is not clear, however, that his conclusion on this aspect in Bakke will determine the result in future cases. For you will remember that the Stevens four concluded that "the question whether race can ever be used as a factor in an admissions decision" was not an issue in Bakke, and we therefore do not know whether, when the issue is properly presented, some or all of these four Justices will take as narrow a view as did Justice Powell of the purposes which justify a race-conscious admissions process. Similarly, we do not know what, for these four Justices, will constitute acceptable race-conscious admissions procedures. We do not even know whether Justice Powell himself would reach the same conclusion in the next case, since, in rejecting two of the purposes advanced by the Regents to justify the Davis program, he relied on gaps in the record that could conceivably be cured.

Although the comfort to be derived from this uncertainty is difficult to articulate, let me suggest respects in which it may prove helpful in both of the classes of institutions I have described above.

In the first class, colleges and universities (or schools or departments therein) which believe diversity in the student body, broadly defined, enhances the educational experience, the articulation and pursuit of other, additional institutional purposes animating the consideration of race in the admissions process may help to insulate decisions, made after the comparison of all relevant qualifications, which are challenged on the ground that too much weight has been given to race.

In the second class, assuming educators remain convinced that diversity broadly defined is not a goal of the institution, school, or department, and are not willling to pretend that it is, the articulation and pursuit of the institutional purposes other than diversity that prompt race-consciousness in admissions may be the only way in which such programs could withstand legal challenge. I should tell you, however, that notwithstanding my earlier comments, nothing in the opinion of the Stevens four except the technical definition of the issue before the Court provides reason to be sanguine that they, or any of them, will take a more hospitable view of race-conscious admissions programs in future cases than did Justice Powell in Bakke. Nor do I think that "judicial, legislative, or administrative findings of constitutional or statutory violations" sufficient to satisfy Justice Powell's requirement for a program designed to eliminate the effects of past discrimination hold promise for more than a handful of colleges and universities. Finally in light of Justice Powell's stated concern for the individual in Bakke, I find it difficult to credit the suggestion that a record acceptable to him could be made for a race conscious admissions program the purpose of which is to improve the delivery of services to underserved communities.

Small solace, you may say, and you are right. But remember that I have posited institutions that are committed to the difficult task of coming to grips with the Bakke decision and making the choices it appears to require.

No matter to which of my classes your institution may belong, there are certain tasks which should be accomplished now in order to assess your situation. First, you must be satisfied that you or those who administer the admissions processes at your university are conversant with the Bakke decision and with its implications. There are many ways to educate yourself. One of my legal colleagues at another university sent a long memorandum analyzing the decision to deans and department heads and solicited their questions. This approach, although consistent with the tradition of substantial faculty autonomy in admissions at my colleague's institution, seems to me inadequate in light of the legal risks involved, the complexity of the issues, and the temptation deriving from both considerations to play the ostrich. At other institutions, those responsible for admissions are proceeding without the benefit of any particularized legal advice, relying on their own sense of the Bakke decision supplemented in some cases by published material and/or by presentations such as this one. This approach seems to me even more inadequate, since the published material (and the speeches) vary considerably in quality of analysis and in relevance to the myriad of different policies and programs in colleges and universities throughout this country.

At the University of Pennsylvania, I have arranged meetings with those responsible for admissions programs which, on the basis of information solicited before the Bakke decision, seem to me to raise questions in light of that decision. In these meetings, I ensure that the administrator understands the relevant portions of the decision and is prepared to address the legal questions raised forthrightly in terms of the educational goals of the enterprise. I intend to follow up these meetings with letters soliciting information concerning any changes that have been effected.

If your admissions program appears to raise questions in light of Bakke, you should consult counsel. For it is only with the benefit of the informed legal advice of one who is familiar with your program that you can make an informed assessment of the risks and benefits of the course you propose to follow. I urge this course because I am concerned not only about the assumption of an unacceptable risk of litigation, but also about the possibility that, without proper legal advice, college and university officials may abandon race-conscious programs that pose little risk and afford substantial benefits.

Second, as part of the process of reexamining your admissions policies and practices in light of Bakke, you should insist upon a clear and candid statement of the qualifications of applicants that will be considered in the admissions process. In addition, if you intend to pursue a race-conscious program, the purposes that animate the consideration of race should be articulated. Candor and precision are important for two reasons. First, there are suggestions that, for some of the Justices at least, the articulation of an acceptable purpose is essential to the defense of a program challenged as discriminatory. Second, the failure to acknowledge race-consciousness in literature setting forth the criteria for admissions may expose you to an action for breach of contract. These statements of admissions criteria and policy should be suitable for public dissemination. However, because of the risk of litigation which, even after Bakke, candor entails, care should be taken in the formulatio of your admissions statements, and you may want to review them with counsel.

Third, you should also require that the admissions process at your institution be reduced to writing, and that it permits reasonable confidence that those who administer it treat all applicants fairly. It has been said that admissions is an art, and that is fine. But remember that Picasso knew how to draw and that, particularly after Bakke, the temptations to undisciplined subjectivity are substantial. A perceived public view of the Davis program as "inherently unfair" because it foreclosed "individual competition for opportunties", avowedly influenced Justice Powell in Bakke. Similar considerations may be expected to influence those who are called upon to judge post-Bakke admissions programs under a concept as elusive and as highly charged with the values of the day as is the concept of discrimination.

Before concluding these remarks, and in order to place them in the proper perspective, let me remind you of a few facts about Bakke. Prior to the decision, colleges and universities were operating their admissions programs in a climate of intolerable legal uncertainty, damned if they were race-conscious and damned if they were not. Although the Court's decision does not by any means dispel all of the uncertainty, it does furnish some basis for informed choice and, to those willing and able to use Justice Powell's opinion as a guide, it provides the map to a safe, albeit not storm-proof, harbor.

Prior to the decision in Bakke, the extent to which the Court would become involved in the substance of admissions policy - would tell colleges and universities that some or all of their non-racial admissions criteria must be discarded or accorded different weight in the context of race-conscious admissions - was a source of deep concern to educators. The Court did not become involved, and for this purpose the fact that Justice Powell's opinion may confront some of you with hard choices in terms of educational policy pales in comparison with the fact that he expressly confirmed the substantial autonomy of educators, rooted in the First Amendment, to decide who shall study.

Finally, prior to the decision in Bakke, many were deeply worried that the Court would strike a death blow to affirmative action in admissions. The Court did not do so, and except in cases where diversity broadly defined cannot honestly be embraced as an educational goal, the concerns of those like my hypothetical defenders of two-track admissions systems can be met without substantial legal risk. It will as I have said, require determination and good faith, as well as more money for admissions. Surely this is not too high a price to pay for the future of our country.

APPENDIX IV

"The Black Exclusion of Veterinary Medicine"

Gerald Gurney

THE BLACK EXCLUSION OF VETERINARY MEDICINE

Gerald Gurney Academic Adviser, Resident Adviser,
Grinnell College

Academically qualified Black students historically have chosen not to apply for admission to veterinary medical schools. Veterinary professional schools have repeatedly shown an under-representation in admission of Black students, when compared to a twelve percent national Black American total population, (Hale, 1975). In 1974 the National Veterinary Medical Association reported a total of 111 Black students in veterinary medical colleges across the United States, the highest percentage of which were graduates from Tuskegee Institute, a primarily Black private institution. For example, when compared to other professional colleges at the Ohio State University, the veterinary medical college autumn 1974 class had been found to have the lowest Black representation (0.8%) of all professional schools. Veterinary minority recruitment efforts have not significantly increased Black representation, (Hale, 1975).

A major proposition of noted vocational development theorists, such as E. Ginzberg and D. E. Super, is that career decision-making crystallization occurs during early adolescence. A series of negative decisions (exclusions) occurs, and by age sixteen many adolescents have chosen vocational fields, (Dysinger, 1950). Exclusions are made on the basis of access to essential dimensions of vocational choice. They include:

(1) an awareness of the social expectation for one to choose a job through decisions made in school curriculum, (2) a clarification of vocational self-concept through a crystallization of the individual's traits and aptitudes, and (3) occupational information received through role model interaction and other sources. The student stands a greater chance of coping effectively with career decisions if s/he develops an (4) independence from others for career choices and relies upon self-determination. An ability for (5) planful daydreaming and fantasy in imagining the individual performing occupational tasks is necessary for positive vocational choice. (6) A cognizanic, or recognition of immediate actions needed to be taken for reaching future career goals must be intellectuallized early in order to actualize career goals. Finally, the maturing individual must move from (7) an inconsistency to a consistency of perceived goals, (Crites, 1969).

In spite of accumulated amount of psychological evidence suggesting that the early adolescent has already narrowed vocational choice considerations through negative exclusion, minority recruitment efforts for the health professions have been directed at the eighteen to twenty year old student population, (Toole, Coombs, Robertson, and Louis, 1970). The early adolescent, found by vocational psychology to be actively engaged in career deliberations, has been ignored by health profession minority recruitment programs. Minority recruitment programs in the health professions place emphasis upon the persuasion and winning of student aspirations rather than the development and nurturing of essential vocational choice dimensions, (Henry and Sinkford, 1973).

Black preference studies in vocational development indicate a general tendency for Blacks to perceive certain professions as being racially permissive, while others are perceived as being closed and undesirable for members of their race, (Crites, 1969). Henderson (1967) and Amos (1968) observed that because of occupational restrictions placed upon Negro lower class youths, this group is often provided less opportunity than the lower class Caucasian youths, who tend to identify with White, middle class adults.

Purposes

The purposes of the study were (1) to determine the Black adolescent attitudes about veterinary medicine, (2) to determine if racial background has an influence upon adolescent aspirations for a veterinary career, and (3) to determine other factors which limit aspirations for veterinary careers. By using a vocational development model, another purpose of the study was (4) to determine if Black adolescents have limited career choice dimensions affecting their deliberations. A further aim of this study was (5) to determine if Blacks exclude veterinary medicine from career choice deliberations.

Method

Subjects

The survey was distributed to students in randomly assigned study halls within two 100% Black, low socio-economic status Columbus, Ohio junior high schools, one 100% Black, low socio-economic status Dayton, Ohio school, and one Dayton area predominately White, high socio-economic status junior/senior high school. Thirteen to sixteen year old respondents who completed the questionnaire were included into the tabulation of the study. Miami Valley School, a predominately White private school serving both primary and secondary students was included for comparative purpose, as an example of a population of White, high socio-economic status future professional students. As described by one of the Miami Valley School instructors, nearly all Miami Valley School students enter institutions of higher learning. MacFarlane, Champion, and Monroe Junior High Schools were included in the sample because of their similar student profiles. All of these public schools had a high percentage of Black students supported by low family income and welfare, and consist of 100% Black student populations. The Dayton area Black school was obtained for the sample in an effort to increase geographical external validity. The survey was distributed to both males and females. Fifty 13-16 year old students from Miami Valley School completed the survey. Sixty-one 13-16 year old students from Champion Junior High School completed the survey. Fifty-four 13-16 year old respondents from Monroe Junior High School and forty-three from MacFarlane Junior High School completed the survey.

Instrument

A five page questionnaire survey was constructed to identify and describe adolescent perceptions of the veterinary medical career and achievement of basic vocational development constructs. The questionnaire was divided by three major sections. The first section, in checklist format, dealt with (a) comparative career preferences, (b) means-end cognizance, (c) grasp of professional vocational fields, and (d) occupational information sources. The second section, forced-choice format, compared veterinary medicine with three highly preferred Black professional careers, on a number of vocational dimensions. The third section was a checklist format permitting many possible responses for each question. This section concentrated upon attitudes about the veterinary career and commonly perceived activities of veterinarians.

Each possible response in the questionnaire was either checked as a preferable or true response, or left blank. Each question was counted by the number of responses made, and then transformed to percentages of the total population of subjects from the particular school. All four schools were scored in this manner and placed into tables, so that schools and racial/socio-economic status populations could be compared and contrasted by percentage of respondents for each item.

Results

The results clearly indicated a Black, low socio-economic status negative perception of veterinary medicine that was not present among the White high socio-economic status sample. Findings imply that both racial background and socio-economic status clearly affect career aspirations and choice. The findings also included a significant percentage of Black adolescents who perceived veterinary medicine as a career in which their race is not interested. Many questions within the survey were modeled after vocational development dimensions of career choice. Only one essential vocational development dimension, means-end cognizance (the recognition of immediate actions needed for future goals) was found to be similar among both Black and White subjects in the study. Several other dimensions, however, showed clear indications of limited Black opportunities for vocational choice. For example, Black subjects were found to lack accurate occupational information about professions. Only 36% (on the average) of the low socio-economic status Black subjects indicated the animal doctor as being a professional, while 78% of the White high socio-economic status population considered the animal doctor as a professional worker. Forty percent of the Black respondents revealed that they had never seen a veterinarian, while only 2% of the White high socio-economic status subjects stated they had no veterinary contact. It was found that Black low socio-economic subjects did not planfully daydream or fantasize themselves performing common duties of the veterinarian. An average of only 29% of the Black subjects imagined themselves curing a sick animal, while 62% of the White subjects imagined themselves curing a sick animal.

The study showed a different perception of the purpose of pets among the Black and White subjects. While White subjects perceived the main purpose of cats and dogs as family pets, it was clearly shown that Blacks believed that pets serve dual roles of companion and worker in the home. For more than half of the Blacks, the pet needed a function other than companionship. The limited family income evident in most Black homes, and the Black perception of the replaceable pet, make justification of visits to the veterinarian difficult.

It was found that many thirteen to sixteen year old Black children had already excluded veterinary medicine from career deliberations. White, high socio-economic adolescent children, with greater professional community contact and resources available to them, showed definite retainment of the veterinary career for future deliberations.

Conclusions

Implications of the study

Veterinary minority recruitment programs have not achieved sought goals because many of their target population have previously excluded the veterinary profession from career deliberation. There is evidence to imply a further extension of this phenomena to other health profession minority recruitment programs. Many potential Black veterinarians and health professionals choose alternative careers because of limited career information and other dimensions of vocational choice during the early adolescent years of career exploration, particularly Black role model contact.

Next to the family unit, teachers and school counselling professionals have been found to provide adolescents with career information and goal direction. Their aid in dispelling inaccurate, biased, and negative perceptions of careers may significantly promote the goals of minority recruitment programs. Vocational guidance and counselling personnel, along with minority recruitment officials for the health professions, should take account of vocational choice dimensions and strive to supplement minority deficiencies before vocational exclusions occur.

This descriptive study cultivates further questions and opportunities for experimentation. For example, do scientific occupations demand more complex and longer career deliberation than do non-scientific careers? Do older Black students have similar negative perceptions of veterinary medicine? How early do Black people learn to negatively perceive veterinary medicine? What vocational choice dimension deficiencies can be determined among non-Black minorities and White low socio-economic status Americans?

Curriculum development in schools, with multi-media programs for career exposure, and involvement from the professional community should relieve minority vocational choice dimension deficiencies. Minority recruitment officials need to implement the vocational development theory available to them.

REFERENCES

Amos, W.E. and Grambs. Counseling the Disadvantaged Youth. New Jersey, Prentice Hall, 1968.

Crites, J.O. Vocational Psychology: The Study of Vocational Behavior and Development. New York, McGraw Hill, 1969.

Dysinger, W.S. "Maturation and Vocational Guidance," Occupations. 1950, 29:198-201.

Hale, F.W., Jr. "A Proposal for Establishing an Office of Graduate and Professional Recruitment and Development," (Unpublished report). April 11, 1975.

Henderson, G. "Role Models for Lower Class Negro Boys," Personnel Guidance Journal. 1967, 14:6-10.

Henry, J.L. and Sinkford, J.C. "Recruitment of Minorities for the Health Professions," Health Services Reports. February 1973, 88:113-116.

Toole, J.F., Coombs, R.H., Robertson, R., Louis, S. "Attracting Young People into Careers in the Health Professions," Journal of Medical Education. June 1970, 45:415-420.

BIBLIOGRAPHIES

PROVIDED BY PARTICIPANTS IN THE SUMMARY CONFERENCE

Post-Bakke Conference Bibliography, University of Michigan

AAMC Task Force on Minority Student Opportunities in Medicine, Bibliography

Selected Bibliography, Osteopathic Medicine

Bibliographical Citations, Veterinary Medicine

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POST-BAKKE CONFERENCE

BIBLIOGRAPHY

BOOKS

The Carnegie Council on Policy Studies in Higher Education, Report of the Council. *Selective Admissions in Higher Education*. San Francisco, California: Jossey-Bass, Inc., 1977.

Carter, Robert L., *et al*. *Equality*. Pantheon, 1965.

Cohen, Marshall, *et al*, eds. *Equality and Preferential Treatment*. Princeton University Press, 1977.

Cross, K. Patricia. *Beyond the Open Door*. San Francisco, Calif.: Jossey-Bass, Inc., 1974.

Glazer, Nathan. *Affirmative Discrimination*. Basic Books, 1975.

Gross, Barry, ed. *Reverse Discrimination*. Buffalo, N.Y.: Prometheus Books, 1977.

O'Neil, Robert M. *Discriminating Against Discrimination*. Bloomington, Indiana: Indiana University Press, 1975.

Wechsler, Harold S. *The Qualified Student*. New York: John Wiley and Sons, Inc., 1977.

ARTICLES

Adelson, Joseph. "Living With Quotas," *Commentary*, May, 1978, pp. 23 - 29.

"The Bakke Case," *National Association of State Universities and Land-Grant Colleges Circular Letters*, Nos. 20, 21, 22 and 23. 1977.

"The Bakke Decision," *National Association of State Universities and Land-Grant Colleges Circular Letter*, No. 13, August 7, 1978.

Bell, Derrick. "The High Price of Non-Representation," *Phi Kappa Phi Journal*, Winter, 1978, pp. 19-21.

Benfell, Carol. "Should the Constitution Really Be Color Blind?" *Barrister Magazine*, Fall, 1977, pg. 10.

Bowen, William G. "Admissions and the Relevance of Race," *Educational Record*, Fall, 1977, pp. 333-349.

Boyd, William M., II. "SAT's and Minorities: The Dangers of Underprediction," *Change Magazine*, November, 1977, pg. 48.

Bundy, McGeorge. "The Issue Before the Court: Who Gets Ahead in America?" *The Atlantic Magazine*, Vol. 240, November, 1977, pp. 41-54.

The Chronicle of Higher Education, Vol. XVI, No. 17, July 3, 1978. (This issue contains the texts of the judges opinions.)

Cohen, Carl. "The DeFunis Case: Race and the Constitution," *The Nation*, February 8, 1975, pp. 135-145.

Cohen, Carl. "Who Are Equals?" *Phi Kappa Phi Journal*, Winter, 1978, pp. 10-14.

Dworkin, Ronald. "The Bakke Decision: Did It Decide Anything?" *New York Review of Books*, August 17, 1978, pp. 20-25.

Eckstein, Harry. "The System Is Far From Perfect," *New York Times Briefing Papers for Public Affairs*, Vol. 2, 1978, pg. 7.

Footlick, Jerrold K.; Camper, Diane; Howard, Lucy; Lubenow, Gerald C.; and Lallande, Ann. "The Furor Over Reverse Discrimination," *Newsweek Magazine*, September 26, 1977, pp. 52-58.

Higher Education Admission Law Service, Vol. 5, No. 3, (July 26, 1978).

Higher Education and National Affairs, Vol. XXVII, No. 26, (June 30, 1978), pp. 1-4.

Kerr, Clark. "Solving the Selective Admissions Dilemma," *Phi Kappa Phi Journal*, Winter, 1978, pp. 4-6.

Lerner, Barbara. "Who Is Your Favorite Minority Today?" *Learning and the Law*, Fall, 1977, pp. 9-13, 34-36.

Lindsey, Robert. "White/Caucasian - and Rejected," *New York Times Magazine*, April 3, 1977, pp. 42ff.

Lipset, Seymour M., and Schneider, William. "An Emerging National Concensus," *New Republic*, October 15, 1977, pp. 8-9.

Martin, Ben L. "The Parable of the Talents," *Harper's Magazine*, January, 1978, pp. 12-24.

Newton, Lisa. "Bakke and Davis: Justice, American Style," *Phi Kappa Phi Journal*, Winter, 1978, pg. 22.

Ravitch, Diane. "Integration, Segregation, Pluralism," *The American Scholar*, Spring, 1976, pp. 206-217.

Rush, Sheila. "Race and Legal Doctrine," The New York Times, June 16, 1977, pg. 35K.

St. Antoine, Theodore. "Bakke: A Compelling Need to Discriminate," Learning and the Law, Fall, 1977, pg. 15.

Sammons, Jeffrey L. "'I Am a White Male,'" The Crisis, October, 1975, pp. 292-296. Reprinted from the February 1975 issue of the Yale Alumni Magazine.

Simon, Robert L. "Preferential Treatment for Groups or for Individuals?" Phi Kappa Phi Journal, Winter, 1978, pp. 7-9.

Sowell, Thomas. "Affirmative Action and Pious Fraud," Inquiry, August 21, 1978, pp. 10-12.

Wasserstrom, Richard. "A Defense of Programs of Preferential Treatment," Phi Kappa Phi Journal, Winter, 1978, pp. 15-18.

White, Stephen W. "The Pursuit of Equality: Where Does It Lead?" Phi Kappa Phi Journal, Winter, 1978, pp. 2.

Extract from *Report of the Association of American Medical Colleges Task Force on Minority Student Opportunities in Medicine*, June 1978.

BIBLIOGRAPHY

BOOKS & REPORTS

Association of American Medical Colleges. *1976-77 AAMC Curriculum Directory*. Washington, D.C.: Association of American Medical Colleges, 1976.

Association of American Medical Colleges. *Medical School Admission Requirements, 1978-79*. Washington, D.C.: Association of American Medical Colleges, 1977.

Association of American Medical Colleges. *The New MCAT^{sm}Student Manual: New Medical College Admission Test*. Washington, D.C.: Association of American Medical Colleges, 1977.

Association of American Medical Colleges. *New Medical College Admission Test: Interpretive Manual*. Washington, D.C.: Association of American Medical Colleges, 1977.

Association of American Medical Colleges. The Regents of the University of California, petitioner versus Allan Bakke, respondent. Brief of the Association of American Medical Colleges, amicus curiae. Washington, D.C.: Association of American Medical Colleges, 1976.

Association of American Medical Colleges Task Force. Report of the Association of American Medical Colleges Task Force to the Inter-Association Committee on Expanding Educational Opportunities in Medicine for Blacks and Other Minority Students. Washington, D.C.: Association of American Medical Colleges, April 22, 1970

Astin, Alexander W., King, Margo R., and Richardson, Gerald T. *The American Freshman: National Norms for Fall 1976*. Los Angeles: Cooperative Institutional Research, 1976.

Astin, Alexander, King, Margo R., and Richardson, Gerald T. *The American Freshman: National Norms for Fall 1977*. Los Angeles: Cooperative Institutional Research, 1977.

Beaumont, Andre and Godbolt, Rena, eds. *Handbook for Recruiting at the Historically Black Colleges, 1976-77*. Bethlehem, Pennsylvania: College Placement Services, Inc., 1976.

Campbell, Angus. *White Attitudes Toward Black People.* Ann Arbor, Michigan: Institute for Social Research, 1971.

Carnegie Council on Policy Studies in Higher Education. *Progress and Problems in Medical and Dental Education.* San Francisco: Jossey-Bass, Inc., 1976.

Carnegie Council on Policy Studies in Higher Education. *Selective Admissions in Higher Education.* San Francisco: Jossey-Bass, Inc. 1977.

Carter, Grace M., Chu, David S.C., Koehler, John E., Slighton, Robert L., and Williams, Albert P. *Federal Manpower Legislation and the Academic Health Centers: An Interim Report.* (Prepared for the Health Resources Administration and the Office of the Assistant Secretary for Planning and Evaluation of the Department of Health, Education, and Welfare, R-1464-HEW) San Monica, California: Rand Corporation, 1974.

Colorado Advisory Committee. *Access to the Medical Profession in Colorado by Minorities and Women.* A Report of the Colorado Advisory Committee to the U.S. Commission of Civil Rights, 1976.

Cuca, Janet M., Sakakeeny, Linda A., and Johnson, Davis G. *The Medical School Admissions Process: A Review of the Literature, 1955-1976.* Washington, D.C.: Association of American Medical Colleges, 1976.

Cuca, Janet M. *An Analysis of the Admission Process to U.S. Medical Schools, 1973 and 1976.* Washington, D.C.: Association of American Medical Colleges, 1978 (In press.)

Curtis, James L. *Blacks, Medical Schools and Society.* Ann Arbor: University of Michigan Press, 1971.

D'Costa, Ayres G., Bashook, Philip G., Elliott, Paul R., Jarecky, Roy K., Leavell, Walter F., Prieto, Dario O. and Sedlacek, William E. *Simulated Minority Admissions Exercises: Participant's Workbook.* Washington, D.C.: Association of American Medical Colleges, 1974.

Glazer, Nathan. *Affirmative Discrimination: Ethnic Inequality and Public Policy.* New York: Basic Books, Inc., 1975

Gordon, Travis L. *Descriptive Study of Medical School Applicants, 1975-76.* Washington, D.C.: Association of American Medical Colleges, 1976.

Gordon, Travis L. *Descriptive Study of Medical School Applicants, 1976-77.* Washington, D.C.: Association of American Medical Colleges, 1977.

Hodge, Juel L. ed. *Minority Student Opportunities in United States Medical Schools*, 1978-79. Washington, D.C.: Association of American Medical Colleges, 1977.

Holmstrom, Engin Inel, Knepper, Paul R., and Kent, Laura. *Women and Minorities in Health Fields: A Trend Analysis of College Freshmen.* A comparison of Minority Aspirants to Health Careers. Volume 3. Washington, D.C.: American Council on Education, 1977.

Johnson, Davis G. and Dube, W.F. *Descriptive Study of Medical School Applicants, 1974-75.* Washington, D.C.: Association of American Medical Colleges, 1975.

Jolly, Paul H. and Larson, Thomas A. *Participation of Women and Minorities on U.S. Medical School Faculties.* Washington, D.C.: Association of American Medical Colleges, 1976.

Jones, Faustine Childress. *The Changing Mood in America: Eroding Commitment?* Washington, D.C.: Howard University Press, 1977.

Josiah Macy, Jr. Foundation. Annual Report for the Year 1974. New York: Josiah Macy, Jr. Foundation, 1974.

Lambdin, Julie A. *Survey of How Medical Students Finance Their Education, 1974-75.* Washington, D.C.: Association of American Medical Colleges, 1975.

LeGrande, Melvin, Mayas, Jean-Marie, and Johnson, Lawrence B. *An Assessment of Recruitment and Retention Activities in the Health Resources Administration's Special Health Career Opportunity Grants and Special Project Awards.* Washington, D.C.: Lawrence Johnson & Associates, Inc., 1977.

Macy Commission. *Physicians for the Future.* Report of the Macy Commission. New York: Josiah Macy, Jr. Foundation, 1976.

Manly, Howard F. 33 Programs to Increase Educational Opportunity for Minorities in the Health Professions. Washington, D.C.: Association of American Medical Colleges, 1971.

Mantovani, Richard E., Gordon, Travis L., and Johnson, Davis G. *Medical Student Idebtedness and Career Plans, 1974-75.* Washington, D.C.: Association of American Medical Colleges, 1976.

May, Jean T., Rudor, Melvin H., and Kerr, Joyce L. *Health Center Databank for Minorities and Women: Longitudinal Study of Health Careers from Project Talent*. Pittsburgh: American Institutes for Research, 1976.

May, Jean T. and Rudor, Melvin H. *Health Career Databank for Minorities and Women: Design and Feasibility Study*. Pittsburgh: American Institutes for Research, 1976.

May, Jean T. *Health Career Databank for Minorities and Women: Annotated Selected Bibliography*. Pittsburgh: American Institutes for Research, 1976.

National Board on Graduate Education. *Minority Group Participation in Graduate Education*. Washington, D.C: National Academy of Sciences, 1976.

National Medical Fellowships, Inc. *New Opportunities for Negroes in Medicine*. Downers Grove, Illinois: National Medical Fellowships, Inc., 1969.

National Medical Fellowships, Inc. Annual Report for 1974. New York: National Medical Fellowships, Inc., 1974.

National Medical Fellowships, Inc. Annual Report for 1976. New York: National Medical Fellowships, Inc., 1976.

Odegaard, Charles E. *Minorities in Medicine: From Receptive Passivity to Positive Action, 1966-76*. New York: Josiah Macy, Jr. Foundation, 1977.

O'Neil, Robert M. *Discriminating Against Discrimination*, *Preferential Admissions and the Defunis Case*. Bloomington: University Press, 1975.

Reitzes, Dietrich C. *Negroes and Medicine*. Cambridge: Harvard University Press, 1958.

Sedlacek, William E. and Brooks, Glenwood C. *Racism in American Education: A Model for Change*. Chicago: Nelson-Hall, 1976.

PERIODICALS

Abarbanel, Karin. "Is a Relapse Ahead for Minority Medical Education?" *Foundation News*, November/December:11-28, 1976.

American Medical Association. "Medical Education in the United States, 1971-72": *Journal of American Medical Association* 222:978-985, 1972.

American Medical Association. "Medical Education in the United States, 1973-74: 74th Annual Report." *Journal of American Medical Association* 231:17-62, 1975.

American Medical Association. "Medical Education in the United States, 1974-75: 75th Annual Report." *Journal of American Medical Association* 234:1336-1367, 1975.

American Medical Association. "Medical Education in the United States 1975-76: 76th Annual Report." *Journal of American Medical Association* 236:2960-2970, 1976.

American Medical Association. "Medical Education in the United States, 1976-77: 77th Annual Report." *Journal of American Medical Association* 238:2769-2799, 1977.

Begun, Martin S. "Legal Considerations Related to Minority Group Recruitment and Admissions." *Journal of Medical Education* 48:556-559, 1973.

Bruhn, John G. and Hrachovy, Richard A. "Black College Students' Attitudes Toward Opportunities in the Health Professions." (Communications). *Journal of Medical Education*, 52:847-849, 1977.

Curtis, James L. "Minority Student Success and Failure with the National Intern and Resident Matching Program." *Journal of Medical Education*, 50:563-570, 1975.

Dube, W.F. "U.S. Medical Student Enrollment, 1968-69 Through 1972-73." (Datagram). *Journal of Medical Education*. 48:293-297, 1973.

Dube, W.F. "Woman Students in U.S. Medical Schools: Past and Present Trends." *Journal of Medical Education*, 48:186-189, 1973.

Dube W.F. "Applicants for the 1973-74 Medical School Entering Class." (Datagram). *Journal of Medical Education*, 49:1070-1072, 1974.

Dube, W.F. "U.S. Medical School Enrollment, 1969-70 Through 1973-74." Journal of Medical Education 49:302-307, 1974.

Dube, W.F. "U.S. Medical Student Enrollment, 1970-71 Through 1974-75." (Datagram). Journal of Medical Education, 50:303-306, 1975.

Dube, W.F. "Women Enrollment and Its Minority Component in U.S. Medical Schools." (Datagram). Journal of Medical Education, 51:691-693, 1976.

Dube, W.F. and Gordon, Travis L. "Applicants for 1975-76 First-Year Medical School Class." (Datagram). Journal of Medical Education, 51:869-871, 1976.

Dube, W.F. and Johnson, Davis G. "Study of U.S. Medical School Applicants, 1972-73." Journal of Medical Education, 49:849-869, 1974.

Dube, W.F. and Johnson, Davis G. "Study of U.S. Medical School Applicants, 1973-74." Journal of Medical Education, 50: 1015-1032, 1975.

Dube, W.F. and Johnson, Davis G. "Study of U.S. Medical School Applicants, 1974-75." Journal of Medical Education, 51: 877-896, 1976.

Dube, W.F. "Socioeconomic Background of Minority and Other U.S. Medical Students, 1976-77." (Datagram). Journal of Medical Education, 53:443-445, 1978.

Epps, Anna Cherrie. "The Howard-Tulane Challenge: A Medical Education Reinforcement and Enrichment Program." Journal of the National Medical Association, 67:55-60, 1975.

Erdmann, James B., Mattson, Dale E., Hutton, Jack G., and Wallace, Wimburn L. "The Medical College Admission Test: Past, Present, Future." Journal of Medical Education, 46:937-946, 1971.

Evans, Doris A., Jones, Paul K., Wortman, Richard A., and Jackson, Edgar, Jr. "Traditional Criteria as Predictors of Minority Student Success in Medical School." Journal of Medical Education, 50:934-939, 1975.

Evans, Therman E. "Training of Black Physicians: The Current Status." Hospital Practice, (Editorial), September 1976:13-17.

Gordon, Travis L. and Dube, W.F. "Medical Student Enrollment, 1971-72 Through 1975-76." (Datagram). Journal of Medical Education, 51:144-146, 1976.

Jackson, Reid E., II. "The Effectiveness of a Special Program for Minority Group Students." Journal of Medical Education, 47:620-624, 1972.

Jarecky, Roy K. "Medical School Efforts to Increase Minority Representation in Medicine." Journal of Medical Education, 44:912-918, 1969.

Johnson, Davis G. and Sedlacek, William E. "Retention by Sex and Race of 1968-1972 U.S. Medical School Entrants." Journal of Medical Education, 50:925-933, 1975.

Johnson, Davis G., Smith, Vernon C., and Tarnoff, Stephen L. "Recruitment and Progress of Minority Medical School Entrants, 1970-72." Journal of Medical Education, 50:713-755, 1975.

Johnson, Davis G. and Tuttle, Robert L. "Role of the GSA in Medical Education, 1957-1972." Journal of Medical Education, 48:231-239, 1973.

Johnson, Leonard W. "History of the Education of Negro Physicians." Journal of Medical Education, 42:439-446, 1967.

Josiah Macy, Jr. Foundation. A Macy Conference of Leaders of Programs to Recruit Minority Group Students for Medicine. Addresses presented at Fort Lauderdale, Florida, April 1971.

Marshall, Carter. "Minority Students for Medicine and the Hazards of High School." Journal of Medical Education, 48:134-140, 1973.

Nelson, Bernard W., Bird, Richard A., and Rogers, Gilbert M. "Educational Pathway Analysis for the Study of Minority Representation in Medical School." Journal of Medical Education 46:745-749, 1971.

Perry, Richard R., Phillips, B.W., and Mahan, J. Maurice. "A Follow-Up Evaluation of A Summer Health Career Program for Minority Students." Journal of Medical Education, 51:175-180, 1976.

Plagge, James C., Sheverbush, Robert L., Smith, Nat E., and Solomon, Lawrence M. "Increasing the Number of Minority Enrollees and Graduates: A Medical Opportunities Program." Journal of Medical Education, 49:735-745, 1974.

Reitzes, Dietrich C. and Elkhanialy, Hekmat. "Black Students in Medical Schools." Journal of Medical Education, 51:1001-1005, 1976.

Sleeth, Boyd C. and Mishell, Robert I. "Black Under-Representation in United States Medical Schools." The New England Journal of Medicine, 297:1146-1148, 1977.

Thomas, Andrew L. "Project 75: A Program to Increase the Number of Minority Medical Students in U.S. Medical Schools." Journal of American Medical Association, 218:1816-1818, 1971.

Thompson, Theodis. "Curbing the Black Physician Manpower Shortage." Journal of Medical Education, 49:944-949, 1974.

Thompson, Theodis. "Selected Characteristics of Black Physicians in the United States, 1972." Journal of American Medical Association, 229:1758-1761, 1974.

U.S. GOVERNMENT PUBLICATIONS

Department of Health, Education, and Welfare. Health of the Disadvantaged Chart Book. Washington, D.C.: DHEW, Publication No. (HRA) 77-628, September 1977.

Department of Health, Education, and Welfare. Minorities and Women in the Health Fields: Applicants, Students, and Workers. Washington, D.C.: DHEW, Publication No. (HRA) 76-22, September 1975.

Department of Health, Education, and Welfare. The Supply of Health Manpower: 1970 Profiles and Projections to 1990. Washington, D.C.: DHEW, Publication No. (HRA) 75-38, December 1974.

U.S. Congressional Budget Office. The Role of Aid to Medical, Osteopathic, and Dental Students in a New Health Manpower Education Policy. Washington, D.C.: U.S. Government Printing Office (Stock Number 052-070-03541-2), 1976.

UNPUBLISHED MANUSCRIPTS

Cooper, Wendy D., Lee, Carolyn , and Williams, Albert P. Factors Affecting Medical School Admission Decisions for Minority and Non-Minority Applicants: A Comparative Study of Ten Schools. Rand Corporation, 1976.

D'Costa, Ayres, and Prieto, Dario, eds. Simulated Minority Admissions Exercise: An approach to the Appraisal of Nontraditional Applicants to Medical School. Association of American Medical Colleges, 1974.

Larson, Thomas A. Distribution of 1971-72 U.S. Medical School Faculties by Sex and Ethnic Group; All Schools, Selected Schools and Citizenship, Specialty, and Year of First Appointment. Association of American Medical Colleges, 1974.

COURT CASES

Cramer v. Virginia Commonwealth University, 415 F. Supp. 673 (1976).

Washington v. Davis, 426 U.S. 229 (1976).

Weber v. Kaiser Aluminum & Chemical Corp., 415 F. Supp. 761 (ED La 1976).

SELECTED BIBLIOGRAPHY

American Association of Colleges of Osteopathic Medicine, "Osteopathic Medical Manpower Information Project," HRA 231-75-0615, 1977.

American Association of Colleges of Osteopathic Medicine, "A Demonstration Study on Increased Representation of Minority and Disadvantaged Students in US Colleges of Osteopathic Medicine," HRA 106-74-184, 1977.

American Association of Colleges of Osteopathic Medicine, "Report of The Task Force on Special Opportunities," HRA 106-74-184, 1978.

Carmichael, JW, Ph.D., "Premedical Education and Osteopathic Awareness," unpublished manuscript.

Cole, Darnell, Ph.D., "A Trend Analysis of Academic Measures of Minority Matriculants, Michigan State University College of Osteopathic Medicine, 1974, 1975 and 1976 Entering Classes," Doctoral Dissertation, Michigan State University, 1978.

Coleman, Don E., Ph.D., "The Minority Comprehensive Support Program at Michigan State University-A Plan to Recruit Ethnic Minority Students to Osteopathic Medicine," unpublished manuscript.

Guro, Celia, Ph.D., "The Woman Osteopathic Medical Student," unpublished manuscript.

Willard, Ralph L., DO, "Affirmative Action and Educational Policy", unpublished manuscript.

Woodson, Charles R. (Ed.), Osteopathic Medical Education-A Handbook for Minority Applicants, Washington, DC: AACOM, 1977.

Bibliographical Citations

Veterinary Medicine

"Implications of the Bakke Decision for Veterinary College Admissions," by Wendy L. Andberg, M.A. Journal of the American Veterinary Medical Association, January 1, 1979.

"Minorities and Women in the Health Fields." DHEW Publication No. (HRA) 76-22, pp. 40-42.

"The Black Exclusion of Veterinary Medicine," by Gerald Gurney. Included in this volume.

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